

## Planning Sub-Committee A

Tuesday 5 July 2022

6.30 pm

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

### Membership

Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batteson  
Councillor Natasha Ennin  
Councillor Ketzia Harper  
Councillor Adam Hood  
Councillor Richard Livingstone

### Reserves

Councillor Maggie Browning  
Councillor Gavin Edwards  
Councillor Jason Ochere  
Councillor Chloe Tomlinson  
Councillor Irina Von Wiese

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### 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

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**Contact:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 27 June 2022



# Planning Sub-Committee A

Tuesday 5 July 2022  
6.30 pm  
Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 5
	To approve as a correct record the minutes of the meeting held on 25 January 2022.	

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
7.	<b>TREE PRESERVATION ORDER 644 CONFIRMATION REPORT - RYLSTONE, GROVE PARK, SE5 8LT</b>	6 - 28
	To confirm the provisional Tree Preservation Order reference 644.	
8.	<b>TREE PRESERVATION ORDER 645 CONFIRMATION REPORT - 2 BELVOIR ROAD, LONDON SE22 0QY AND LAND TO THE EAST OF 2 BELVOIR ROAD, LONDON SE22 0QY</b>	29 - 46
	To confirm the provisional Tree Preservation Order reference 645.	
9.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	47 - 50
9.1.	<b>BURGESS PARK COMMUNITY SPORTS PAVILION, BURGESS PARK COMMUNITY SPORT GROUND, 106 COBOURG ROAD, LONDON SE5 0JB</b>	51 - 87

Date: 27 June 2022

### **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 three 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 three-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.

**Please note:**

Those wishing to speak at the meeting should notify the constitutional team by email at [ConsTeam@southwark.gov.uk](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding the meeting.

**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  
Email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 25 January 2022 at 6.30 pm at Meeting Room G02, 160 Tooley Street London SE1 2QH

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**PRESENT:** Councillor Kath Whittam (Chair)  
Councillor Adele Morris (Vice-Chair)  
Councillor Maggie Browning  
Councillor Sunil Chopra  
Councillor Martin Seaton  
Councillor Jane Salmon

**OFFICER SUPPORT:** Dennis Sangweme (Development Management)  
Dipesh Patel (Group Manager Major Applications)  
Margaret Foley (Legal Officer)  
Liam Bullen (Tree Preservation Officer)  
Gemma Perry (Development Management)  
Gerald Gohler (Constitutional Officer)  
Beverley Olamijulo (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 Richard Leeming.

### 3. CONFIRMATION OF VOTING MEMBERS

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

#### **4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

None were disclosed.

#### **5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

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

- Supplemental agenda No.1 – containing the minutes of the meeting held on 16 November 2021 (at 6.30pm).
- Addendum report and members pack relating to items 7, (tree preservation order), 8.1 and 8.2 – development management items.

#### **6. MINUTES**

##### **RESOLVED:**

That the minutes of meetings held on 16 November 2021 at 2.00pm and 6.30pm be approved as correct records and signed by the chair.

#### **7. TREE PRESERVATION ORDER (TPO) 634 CONFIRMATION REPORT GASHOLDER SITE SALTER ROAD, ROTHERHITHE SE16 6HZ**

Report: see pages 7 to 25 of the agenda pack and pages 1 to 2 of the addendum report.

The meeting heard the officer's presentation of the report. Members asked questions of the officer.

The officer referred to Appendix 1 of the report and emphasised the importance of retaining the trees.

There were no objectors, supporters or ward councillors present at the meeting and wishing to speak.

##### **RESOLVED:**

That the provisional TPO reference 634 be confirmed, unamended.

#### **8. DEVELOPMENT MANAGEMENT ITEMS**

Members noted the development management report.

**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 agenda 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 can be clearly specified.

**8.1 COMMUNITY SPORTS PAVILION BURGESS PARK COMMUNITY SPORT GROUND, 106 COBURG ROAD, LONDON SE5 0JB**

**Planning application number: 21/AP/3625**

Report: see pages 31 to 55 of the agenda pack and page 2 of the addendum report.

**PROPOSAL**

*Construction of a ball court with perimeter fencing and installation of x2 LED floodlights. The ball court will provide a pitch for wheelchair sports which also functions as a court for basketball, to be included as part of the new Burgess Park Sports Centre Hub.*

The sub-committee heard the officer's' introduction to the report and addendum report.

Members of the sub-committee asked questions of the officers.

Two objectors addressed the meeting and responded to questions from members of the sub-committee.

There were no supporters living within 100 metres of the application site that wished to speak.

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

Members of the sub-committee further debated on the application and asked questions of officers.

A motion to defer the planning application was moved, seconded put to the vote



and declared carried.

**RESOLVED:**

That the planning application be deferred to a future meeting of Planning Sub-Committee A.

**8 .2 10 GALLERY ROAD, SOUTHWARK, LONDON SE21 7AB**

**Planning application number: 21/AP/2615**

Report: see pages 56 to 78 of the agenda pack and pages 2 to 3 of the addendum report.

**PROPOSAL**

*Construction of tennis court, erection of perimeter fencing, installation of x3 LED floodlights, extension of x3 existing LED floodlight arms and removal of x4 trees.*

The sub-committee heard the officer's introduction to the report and addendum report.

Members of the sub-committee asked questions of the officers.

There were no objectors at the meeting, who wished to address the sub-committee.

The applicant's agent addressed the sub-committee, and responded to questions from members of the sub-committee.

There were no supporters living within 100 metres of the application site wishing to speak.

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

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

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

**RESOLVED:**

That planning permission be granted subject to conditions and the amendments detailed in the addendum report.

The meeting ended at 8.00 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 5 July 2022	<b>Decision Taker:</b> Planning Sub-Committee A
<b>Report title:</b>		Tree Preservation Order 644 Confirmation Report - Rylstone, Grove Park, SE5 8LT	
<b>Ward(s) or groups affected:</b>		Champion Hill	
<b>From:</b>		Director of Planning and Growth	

## RECOMMENDATION

1. That the provisional Tree Preservation Order (TPO) reference 644 be confirmed, unamended.

## BACKGROUND INFORMATION

2. A TPO was served on a provisional basis on the 26 January 2022 in response to a s.211 notification for works to trees within a Conservation Area.
3. The TPO covers three trees comprising oak, yew and cypress, these trees are considered of importance to biodiversity and amenity, for which the council has a statutory duty to preserve and protect.
4. The order covers trees which are prominent as viewed from public realm and which currently contribute towards the street scene.
5. The site is located on a corner plot at the junction with Camberwell Grove and Grove Park and the host property has recently been altered under a programme of works since being purchased by the new owners in 2019.
6. One objection to the TPO has subsequently been received, which according to the council's standing orders must be considered at planning sub-committee before the order can be confirmed.
7. A subsequent application for works to some of the trees has since been received and approved by the council (22/AP/1462), this relates to a reduction to the oak tree covered by the provisional tree preservation order, no works were prescribed for the other two trees noted in the order.

## KEY ISSUES FOR CONSIDERATION

8. To continue to have effect the TPO attached in Appendix 2 must be confirmed within six months from the date of being served. Should it not be confirmed the privately owned trees described in the schedule and shown in

the plan would not be afforded any protection and could be removed at any time.

9. The trees were assessed as attaining a score of 19 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), with officers paying due regard to the condition and life expectancy of the trees and resulting in a decision guide indicating that the making of a TPO is defensible.
10. 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.
11. 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.
12. If a tree protected by a TPO is felled, pruned or wilfully 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 framework implications**

13. 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.
14. Section 198 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
15. London Plan Policy G7 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
16. Policy P61 of the Southwark Plan 2022 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.

17. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with proven amenity value.

### **Objection to the order**

18. One objection has been received from agents for the site owner, with regard to the privately owned trees.
19. The objection argues against the inclusion of all three trees subject to the order.
20. Firstly, the objector questions the inclusion of the oak on the grounds that the tree doesn't make a positive contribution to the local area due to the poor topping of this tree some time ago by others. The tree by the nature of its primary stem/trunk being cut means it will grow in width and not height, and the look of the tree during the winter months, gives the look of poor landscaping and tree maintenance. Despite this, a subsequent application was received and approved by the council to "reduce the crown to form a more compact specimen, crown reduce by 20% and to weight reduce the elongated limb by 3m...for the longer-term health of the tree and stability."
21. It is the opinion of the objector that the yew isn't particularly large or contributes to the streetscape due to it been with in the site. Their concern is the potential damage this tree will have on the original perimeter wall to the site boundary. They argue that as this tree grows it could disable the old brick wall causing damage. The applicant would happily negotiate with the council for the replanting of a new tree within the site boundary to replace this tree. Of the three trees, this is the one that causes the objector the least concern and it may be possible that this tree is left where it is – subject to being able to revisit the matter in the future due to its impact on the perimeter wall. Should further evidence arise that the Yew is causing damage to the wall then officers would consider any application put forward. The tree preservation order requiring further evidence which cannot be requested under a s.211 notification.
22. For the cypress, this tree by far is the most concerning to the objector, simply due to the height and close proximity to the house, the primary concern is that this tree could fall onto the house and cause considerable damage. This tree is not native to the UK or with in the typical tree species within the immediate area. It also seemed unstable in the recent storm and its path, should it fall onto the house, would go directly into the kid's bedroom. This tree is by the entrance gate to the house and should it be removed it will allow a planted border to be put in place all along the current car parking area, which would vastly increase the foliage in the area. Officers have not received an arboricultural report which substantiates this viewpoint, nor has there been any evidence of root plate

disturbance. Proposed works to the tree were not included in the later submission for works to trees and so officers would question the expediency for removal. The proposal to remove the most prominent tree within the site, as viewed from public realm, and to replace with a planted border would not mitigate for its loss. Its contribution is, in part, due to its ornamental quality and evergreen nature, being untypical for the area, it provides further biodiversity and is also a recognized climate (change) resistant species.

23. Section 198 (1) of the Town and Country Planning Act 1990 (as amended) states: If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
24. Whilst the designation and requirement for the submission of evidence to quantify removal of a tree subject to a TPO is greater than that imposed upon trees within conservation areas, the criminal sanctions remain the same. Policy P61 provides clear guidance that the loss of mature trees must be justified.
25. This together with the council's commitments in respect of climate change, the declaration of a climate emergency, its Climate Change Strategy and Southwark's Nature Action Plan all commit to ensure protection of trees and woodlands subject to tree preservation orders, in conservation areas and sites of importance for nature conservation, with trees to be retained on development sites and to require high standards of replacement tree planting.
26. Poor historic management of a number of the trees within this site would further raise the need to place further control over the management of these trees as works to trees subject to a tree preservation order may be conditioned, including, works carried out to BS3998:2010 Tree works – Recommendations; the relevant British Standard.
27. Given that the trees have previously been reduced, there is no reason why the trees could not continue to be maintained on a regular basis under the protection of a TPO.
28. Since serving the order, officers have informed the site owners of their ability to submit a formal application for works to trees. To date, officers have received one submission, which included works to the oak and other trees within the demise of the home owner but not to the other two trees as covered by the order.
29. The serving of a TPO affords these trees the highest level of protection available and places a greater duty on the tree owner to provide overwhelming evidence in support of any removal. Where removals are granted, these are subject to conditional replanting in order to preserve

amenity.

30. Where removals are conducted unlawfully, the provisions of S.210 of the Town and Country Planning Act allow for the council to enforce, and where appropriate, prosecute suspected breaches, seeking reasonable compensation for the loss in amenity afforded by the unlawful removal of any tree.
31. 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.
32. 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.

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

33. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
  1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
34. The protected characteristics are: race, age, gender reassignment,

pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

35. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

### **Equalities (including socio-economic) impact statement**

36. This recommendation 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.
37. The rights potentially engaged by this recommendation, 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 recommendation.

### **Health impact statement**

38. Not required for recommendations to confirm a tree preservation order.

### **Climate change implications**

39. The officer recommendation is in keeping with Priority 3 of the council's Climate Change Strategy and with particular reference to the Southwark Nature Action Plan (SNAP) (2020) which sets out the vision and strategy for the continued protection, conservation and enhancement of nature in the borough.
40. Southwark will continue to ensure protection of trees and woodlands subject to tree preservation orders, in conservation areas and sites of importance for nature conservation, with trees to be retained on development sites and to require high standards of replacement tree planting. (1.18 Biodiversity and Trees (SNAP) (2020))

### **Resource implications**

41. None.

### **Legal implications**

42. Advice has not been sought from the director of law and governance.

### **Financial implications**

43. Advice has not been sought from the strategic director of finance and governance.



## **Consultation**

44. The TPO was lawfully served to the owners of the trees and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

## **Conclusion**

45. It is recommended for the reasons set out above that the trees are of sufficient quality to justify TPO status.
46. The trees contribute not only to the verdant nature of their setting but also confer benefit to the wider community both in the uptake of pollutants and the reduction in direct precipitation and counter the urban 'heat island' effect through shade cast.
47. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the 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.
48. Should the provisional TPO not be confirmed, the trees would be afforded a temporary protection within the conservation area, although as previously stated, the council cannot request any proofs in support of a s.211 notification for removal, and so the likelihood would be that a further provisional tree preservation order is made.
49. It is therefore recommended that in order to afford greater legislative protection to these trees, and to ensure that sufficient evidence is provided in the event that removal is requested, that the provisional tree preservation order be confirmed, unamended.

## **Legislative requirement**

50. The TPO lapses on 26 July 2022 if not confirmed.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

51. None.

### **Strategic Director of Finance and Governance**

52. None.

### **Other officers**

53. None.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders">https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders</a>		
TEMPO guidance	Online	Liam Bullen 020 7525 5338
<b>Link (please copy and paste into your browser):</b> <a href="http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf">http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf</a>		
Southwark Council TPO information	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas">http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas</a>		
Southwark TPO register	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwar k%20Design%20and%20Conservation&amp;overlays=TPO%20zones">https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwar k%20Design%20and%20Conservation&amp;overlays=TPO%20zones</a>		

## APPENDICES

No.	Title
Appendix 1	Slides
Appendix 2	Provisional TPO

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Liam Bullen, Graduate Planner – TPO officer	
<b>Version</b>	Final	
<b>Dated</b>	23 June 2022	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		23 June 2022

Slides









**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. 644) 2022**

**Rylstone Grove Park London Southwark SE5 8LT**

THIS IS A FORMAL NOTICE to let you know that on the **26<sup>th</sup> January 2022** 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 <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

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 **26<sup>th</sup> January 2022**. 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 (**17:00 26/02/2022**). 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/644**), 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 <https://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas>



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 Liam Bullen, TPO Officer on 0207 525 5338.

Dated 26<sup>th</sup> January 2022

Signed on behalf of the London Borough of Southwark



Stephen Platts  
Director of Planning and Growth  
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.*

## Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 644) 2022

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 644) 2022

**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 26<sup>th</sup> January 2022

Signed on behalf of the London Borough of Southwark



Stephen Platts  
Director of Planning and Growth  
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

**SCHEDULE**  
**Specification of trees**

**Tree specified as an Individual**  
**(within a black circle on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Side, Rylstone, Facing Camberwell Grove
T2	Yew	Side, Rylstone, Facing Camberwell Grove
T3	Cypress	Front, Rylstone Facing Grove Park

**Tree specified as a Group**  
**(within a broken black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

**Tree specified as an Area**  
**(within a dotted black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

None

**Tree specified as an Woodland**  
**(within a continuous black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

None

MAP



T1



T2



T3





TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)					
Survey Data Sheet & Decision Guide					
Date:	25.01.2022	Surveyor:	LB		
Tree details					
TPO Ref (if applicable):	644	Tree/Group No:	T1.T2.T3	Species:	Oak, Yew, Cypress
Location:					
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS					
Part 1: Amenity assessment			Score: Highlight as Applicable		
a) Condition & suitability for TPO			b) Retention span (in years) & suitability for TPO		
Good Highly suitable	5		100+ Highly suitable	5	
Fair Suitable	3		40-100 Very suitable	4	
Poor Unlikely to be suitable	1		20-40 Suitable	2	
Dead Unsuitable	0		10-20 Just suitable	1	
Dying/dangerous* Unsuitable	0		<10* Unsuitable	0	
* Relates to existing context and is intended to apply to severe irremediable defects only			*Includes trees which are an existing or near future nuisance		
c) Relative public visibility & suitability for TPO					
Very large trees with some visibility / prominent large trees			5	Highly suitable	
Large trees, or medium trees clearly visible to the public			4	Suitable	
Medium trees, or large trees with limited view only			3	Suitable	
Young, small, or medium/large trees visible only with difficulty			2	Barely Suitable	
Trees not visible to the public, regardless of size			1	Probably Unsuitable	
d) Other factors ( Trees must have accrued 7 or more points (with no zero score) to qualify)					
Principal components of arboricultural features, or veteran trees			5		
Tree groups, or members of groups important for their cohesion			4		
Trees with identifiable historic, commemorative or habitat importance			3		
Trees of particularly good form, especially if rare or unusual			2		
Trees with none of the above additional redeeming features			1		
Part 2: Expediency assessment (Trees must have accrued 9 or more points to qualify)					
				Notes:	
5) Immediate threat to tree		5			
3) Foreseeable threat to tree		3			
2) Perceived threat to tree		2			
1) Precautionary only		1			
Part 3: Decision guide					
Any 0 Do not apply TPO		Overall Score:	19		Date:
1-6 TPO indefensible				TPO Served:	26.01.2022
7-10 Does not merit TPO		Recommend:	TPO		
11-14 TPO defensible			Do Not TPO	Confirmed:	
15+ Definitely merits TPO		Date:	25.01.2022		

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 5 July 2022	<b>Decision Taker:</b> Planning Sub-Committee A
<b>Report title:</b>		Tree Preservation Order 645 Confirmation Report - 2 Belvoir Road, London SE22 0QY and Land to the East of 2 Belvoir Road, London SE22 0QY	
<b>Ward(s) or groups affected:</b>		Dulwich Hill	
<b>From:</b>		Director of Planning and Growth	

### RECOMMENDATION

1. That the provisional Tree Preservation Order (TPO) reference 645 be confirmed, unamended.

### BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on a provisional basis on the 31 January 2022 in response to a pre application report reviewed by the urban forester.
3. The TPO covers three individual trees, a pear, a lime and a cypress within the site; plus one group of mature limes, along a shared access road to the side of the host property.
4. The order was served with due consideration of the impact of the proposed development on established trees, together with a previous request from a near neighbour to place a tree preservation order on trees at this site prior to the site being sold on.
5. One objection to the TPO has subsequently been received, which according to the council's standing orders must be considered at planning sub-committee before the order can be confirmed.

### KEY ISSUES FOR CONSIDERATION

6. To continue to have effect the TPO attached in Appendix 2 must be confirmed within six months from the date of being served. Should it not be confirmed, the privately owned trees described in the schedule and shown in the plan would not be afforded any protection and could be removed at any time.
7. The trees were assessed as attaining a score of 12 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), with officers paying due regard to the condition and life

expectancy of the trees, together with the limited visibility and resulting in a decision guide indicating that the making of a TPO is defensible.

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 wilfully 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 framework 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 imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
13. London Plan Policy G7 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. Policy P61 of the Southwark Plan 2022 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 proven amenity value.

**Objection to the order**

16. One objection has been received from agents for the site owner, with regard to the privately owned trees.
17. The objection argues against the assessment and inclusion of trees subject to the order.
18. The objector questions the visibility of the trees from public realm along with the retention span of one of the trees. The objector also argues the scoring of the TEMPO assessment which is a median score for the trees and so far less overall than the sum of the constituent trees. This is standard for all site designations which include multiple trees. Officers have based the serving of the TPO with due regard to s.197 of the Town and Country Planning Act as it relates to development. The issuing of which is advised by the Secretary of State to ensure the long term retention of important trees over and above conditions. In the absence of any protection, there would be no vehicle by which the council could ensure adequate replacement for tree loss, as the site is not located within a conservation area.
19. It is the opinion of the objector that the TPO was raised as an emergency, just to prevent any tree removal prior to any planning consent being given.
20. Officers have recommended the serving of a tree preservation order for this site due to prior concerns of local residents along with an assessment of the impacts proposed by a scheme for which it was requested to provide assessment and comment.
21. Under paragraph 131 of the National Planning Policy Framework 2021, trees are a material consideration for the planning process. This consideration is further enhanced under policy G7 of the London Plan 2021 and policy P61 of the Southwark Plan 2022.
22. Section 197 of the Act relates to trees and development and allows for the making of conditions and serving of tree preservation orders with respect to the preservation and planting of trees. Where trees have previously been removed, the council is not in any position to condition replacement planting.
23. The absence of a TPO at this site would allow for wholesale tree removal without the means to guarantee replacement planting, in line with part 4 of policy P61.
24. This together with the council's commitments in respect of climate change, the declaration of a climate emergency, its Climate Change Strategy and Southwark's Nature Action Plan all commit to ensure protection of trees and woodlands subject to tree preservation orders, in conservation areas and sites of importance for nature conservation, with trees to be retained on development sites and to require high standards of

replacement tree planting.

25. The serving of a TPO affords these trees the highest level of protection available and places a greater duty on the tree owner to provide overwhelming evidence in support of any removal. Where removals are granted, these are subject to conditional replanting in order to preserve amenity, which result in no net loss of amenity, taking into account canopy cover as measured by stem girth; either 1. Within the development whereby valuation may be calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology or other assessment.
26. Where removals are conducted unlawfully, the provisions of S.210 of the Town and Country Planning Act allow for the council to enforce, and where appropriate, prosecute suspected breaches, seeking reasonable compensation for the loss in amenity afforded by the unlawful removal of any tree.
27. 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.
28. 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.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

29. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
  1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to

participate in public life or in any other activity in which participation by such persons is disproportionately low.

3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
30. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
31. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

### **Equalities (including socio-economic) impact statement**

32. This recommendation 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.
33. The rights potentially engaged by this recommendation, 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 recommendation.

### **Health impact statement**

34. Not required for recommendations to confirm a tree preservation order.

### **Climate change implications**

35. The officer recommendation is in keeping with Priority 3 of the council's Climate Change Strategy and with particular reference to the Southwark Nature Action Plan (SNAP) (2020) which sets out the vision and strategy for the continued protection, conservation and enhancement of nature in the borough.
36. Southwark will continue to ensure protection of trees and woodlands subject to Tree Preservation Orders, in Conservation Areas and Sites of Importance for Nature Conservation, with trees to be retained on development sites and to require high standards of replacement tree planting. (1.18 Biodiversity and Trees (SNAP) (2020))

### **Resource implications**

37. None.

**Legal implications**

38. Advice has not been sought from the director of law and governance.

**Financial implications**

39. Advice has not been sought from the strategic director of finance and governance.

**Consultation**

40. The TPO was lawfully served to the owners of the trees and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

**Conclusion**

41. It is recommended for the reasons set out above that the trees are at significant risk of removal without the protection of a TPO.

42. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the 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.

43. Further to this, works to trees (including removal) required to implement a Full Planning Permission are exempted from the provisions of s.210 of the Act. With the loss of trees, to be mitigated for (onsite), or in exceptional cases, compensated for; in line with the NPPF Mitigation Hierarchy, Policy G7 of the London Plan 2021 and P61 of the Southwark Plan 2022.

44. Should the provisional TPO not be confirmed, the trees would not be afforded any protection.

45. It is therefore recommended that in order to afford greater legislative protection to these trees, and to ensure that sufficient evidence is provided in the event that removal is requested, together with the potential to mitigate for loss in the event of development; that the provisional tree preservation order be confirmed, unamended.

**Legislative requirement**

46. The TPO lapses on 31 July 2022 if not confirmed.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Governance**

47. None.

**Strategic Director of Finance and Governance**

48. None.

**Other officers**

49. None.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
TPO guidance	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders">https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders</a>		
TEMPO guidance	Online	Liam Bullen 020 7525 5338
<b>Link (please copy and paste into your browser):</b> <a href="http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf">http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf</a>		
Southwark Council TPO information	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas">http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas</a>		
Southwark TPO register	Online	Liam Bullen 020 7525 5338
<b>Link:</b> <a href="https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&amp;overlays=TPO%20zones">https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&amp;overlays=TPO%20zones</a>		



**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Slides
Appendix 2	Provisional TPO

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Liam Bullen, Graduate Planner –TPO officer	
<b>Version</b>	Final	
<b>Dated</b>	23 June 2022	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		23 June 2022

Slides





**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. 645) 2022**

**2 BELVOIR ROAD LONDON SE22 0QY and Land to the East of 2 BELVOIR ROAD  
LONDON SE22 0QY**

THIS IS A FORMAL NOTICE to let you know that on the **31<sup>st</sup> January 2022** 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 <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders--general>.

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 **31<sup>st</sup> January 2022**. 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 (**17:00 03/03/2022**). 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/645**), 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 <https://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas>

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 Liam Bullen, TPO Officer on 0207 525 5338.

Dated 31<sup>st</sup> January 2022

Signed on behalf of the London Borough of Southwark



Stephen Platts  
Director of Planning and Growth  
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.*

## Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order (TPO Number 645) 2022

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 645) 2022

**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 31<sup>st</sup> January 2022

Signed on behalf of the London Borough of Southwark



Stephen Platts  
Director of Planning and Growth  
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

**SCHEDULE**  
**Specification of trees**

**Tree specified as an Individual**  
**(within a black circle on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Pear	Boundary with 4 Belvoir Road
T2	Lime	Rear, 2 Belvoir Road
T3	Cypress	Rear, 2 Belvoir Road

**Tree specified as a Group**  
**(within a broken black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Lime	Land to the East of 2 BELVOIR ROAD LONDON SE22 0QY

**Tree specified as an Area**  
**(within a dotted black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

**Tree specified as an Woodland**  
**(within a continuous black line on the map)**

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



MAP





TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)							
Survey Data Sheet & Decision Guide							
Date:	31.01.22		Surveyor:	LB			
Tree details							
TPO Ref (if applicable):	645	Tree/Group No:		Species:			
Location:	2 Belvoir Road SE22	T1, T2, T3, G1		Pear, Lime, Cypress plus Group Lime			
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS							
Part 1: Amenity assessment				Score: Highlight as Applicable			
a) Condition & suitability for TPO				b) Retention span (in years) & suitability for TPO			
Good Highly suitable	5			100+ Highly suitable	5		
Fair Suitable	3			40-100 Very suitable	4		
Poor Unlikely to be suitable	1			20-40 Suitable	2		
Dead Unsuitable	0			10-20 Just suitable	1		
Dying/dangerous* Unsuitable	0			<10* Unsuitable	0		
* Relates to existing context and is intended to apply to severe irremediable defects only				*Includes trees which are an existing or near future nuisance			
c) Relative public visibility & suitability for TPO							
Very large trees with some visibility / prominent large trees				5	Highly suitable		
Large trees, or medium trees clearly visible to the public				4	Suitable		
Medium trees, or large trees with limited view only				3	Suitable		
Young, small, or medium/large trees visible only with difficulty				2	Barely Suitable		
Trees not visible to the public, regardless of size				1	Probably Unsuitable		
d) Other factors ( Trees must have accrued 7 or more points (with no zero score) to qualify)							
Principal components of arboricultural features, or veteran trees				5			
Tree groups, or members of groups important for their cohesion				4			
Trees with identifiable historic, commemorative or habitat importance				3			
Trees of particularly good form, especially if rare or unusual				2			
Trees with none of the above additional redeeming features				1			
Part 2: Expediency assessment (Trees must have accrued 9 or more points to qualify)							
							Notes:
5) Immediate threat to tree			5				
3) Foreseeable threat to tree			3				
2) Perceived threat to tree			2				
1) Precautionary only			1				
Part 3: Decision guide							
Any 0 Do not apply TPO		Overall Score:	12			Date:	
1-6 TPO indefensible					TPO Served:		
7-10 Does not merit TPO		Recommend:	TPO				
11-14 TPO defensible			Do Not TPO		Confirmed:		
15+ Definitely merits TPO		Date:	31.01.2022				

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 5 July 2022	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		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 sub-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 Levelling Up, Housing and Communities 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 the Secretary of State ( vis the Planning Inspectorate) 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 Governance**

12. A resolution to grant planning permission means that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the sub-committee and issued under the signature of the director of planning and growth constitutes a planning permission. Any additional conditions required by the sub-committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning sub-committee.
13. A resolution to grant planning permission subject to legal agreement means that the director of planning and growth 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 governance, and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement is entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as determined by the director of law and governance. 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, to local finance considerations and to any other material considerations when dealing with applications for planning permission. Local finance considerations

are discussed further in paragraph 18 below and material considerations in paragraph 17.

15. Where there is any conflict with a policy contained in the development plan, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (s38(5) Planning and Compulsory Purchase Act 2004).
16. 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 for Southwark is now the London Plan 2021 and the Southwark Plan 2022.
17. Case law has established that to be *material* the considerations must (i) relate to a planning purpose and not any ulterior purpose. A planning purpose is one that relates to the character and use of land (ii) must fairly and reasonably relate to the development permitted and (iii) must not be so unreasonable that no reasonable planning authority would have regard to them.
18. Section 143 of the Localism Act 2011 amended Section 70 of the Town and Country Planning Act 1990 and provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through Community Infrastructure Levy (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.
19. Regulation 122 of the Community Infrastructure Levy (CIL) regulations 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 in 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. Planning permissions cannot be bought or sold. Benefits which provide a general benefit to the community rather than being proposed for a proper planning purpose affecting the use of the land, will not satisfy the test.

20. 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.
21. The National Planning Policy Framework (NPPF) was last updated in July 2021. The NPPF is supplemented by detailed planning practice guidance (PPGs) on a number of

planning topics. The NPPF is a material planning consideration in the determination of planning applications.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning sub-committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services		
<b>Report Author</b>	Sadia Hussain, Acting Deputy Head of Law (Property and Development)		
<b>Version</b>	Final		
<b>Dated</b>	27 June 2022		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Governance	Yes	Yes	
Director of Planning and Growth	No	No	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>			27 June 2022



21/AP/3625 - BURGESS PARK COMMUNITY SPORTS PAVILION,  
BURGESS PARK COMMUNITY SPORT GROUND, 106 COBOURG  
ROAD, LONDON, SE5 0JB



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<b>Item No.</b> 9.1	<b>Classification:</b> Open	<b>Date:</b> 5 July 2022	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application 21/AP/3625 for: Full Planning Application</p> <p><b>Address:</b> BURGESS PARK COMMUNITY SPORTS PAVILION BURGESS PARK COMMUNITY SPORT GROUND 106 COBOURG ROAD LONDON SOUTHWARK SE5 0JB</p> <p><b>Proposal:</b> Construction of a ball court with perimeter fencing and installation of x2 LED floodlights. The ball court will provide a pitch for wheelchair sports which also functions as a court for basketball, to be included as part of the new Burgess Park Sports Centre Hub.</p>		
<b>Ward(s) or groups affected:</b>	Faraday		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date:</b> 27/10/2021		<b>PPA Expiry Date:</b> 01/02/2022	
<b>Earliest Decision Date:</b> 21/12/2021			

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## EXECUTIVE SUMMARY

2. The proposed development is for the construction of a new ball court for wheelchair sports and basketball, ancillary to the approved re-development of Burgess Park Sports Centre Hub (21/AP/1002). This site is located on the eastern portion of Burgess Park. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
3. The additional ball court is in keeping with the character of this area of the park and adjacent to the existing Burgess Park Sports centre facilities, which include outdoor sports pitches. The proposed design and positioning of the new ballcourt in this context, would have no greater impact on the setting, accessibility and quality of the MOL, and would not affect its openness or detract from its character.
4. There is a degree of certainty that the consented scheme for Burgess Park Sports Centre Hub (21/AP/1002) will be brought forward simultaneously with this application; to deliver improvements to the wider site layout, access and ancillary sports facilities as well as provide ecological enhancements and biodiverse

landscaping. This proposal will further contribute to the overall quality of the new sports facility, through the delivery of a ball court that meets an identified need for a hard surfaced outdoor pitch of this size and design specification. The site would benefit from wheelchair accessible changing facilities and step free access arrangements consented as part of the sports centre re-development. It is therefore recommended that planning permission is granted subject to planning conditions.

## **BACKGROUND INFORMATION**

5. The Burgess Park Sports Centre was granted planning permission in 2021 (21/AP/1002) (S.73 application to vary planning permission 19/AP/1275) for the demolition of the existing centre and all-weather pitch and construction of a new sports centre with two new all-weather pitches, associated lighting and hard and soft landscaping (including new 'spectator mounds' to west and north of new pitches).
6. An Equalities Impact Assessment (EQIA) was undertaken for the proposed development in October 2020. This sought to identify opportunities for the site to promote equality, and improve access and participation in public life and good relations between all groups, in accordance with the council's duties as public authority under the Equality Act 2010. The EQIA assessed the impact of the proposed scheme on the relevant groups with protected characteristics, providing recommendations to improve the site's inclusive design approach.
7. A key outcome of the EQIA was the need for a fenced, hard surfaced court with basketball facilities and provision for wheelchair sports. No feasible location for the ball court was identified in the 2019 planning application due to ball strike issues with the cricket pitch on the eastern part of the masterplan site. Notwithstanding this, the provision of a wheelchair accessible court is a requirement of the council's Public Sector Equality Duty. This application has therefore been prepared to seek planning permission for the delivery of an enclosed hard surfaced court that will facilitate wheelchair rugby, football and basketball, as well as basketball for all users. The provision of this inclusive sport pitch would deliver a significant positive benefit to the re-development of the Burgess Park Sports centre and local community.
8. The application was first presented to Planning Sub-Committee A on 25 January 2022. A motion to defer the planning application to a future meeting was carried. This officer report has been updated to address the issues raised at the meeting. It is recommended that planning permission is granted subject to planning conditions.

## **Site location and description**

9. The application site is located on the eastern part of Burgess Park, on informal open parkland. To the east of the site is an outdoor fenced artificial grass football pitch (AGP) ancillary to the Burgess Park Community Sports Centre. To the west of the site is the park's designated BBQ area. To the north of the site is a lake and to the south and wider surrounding area is open parkland. Further to the north-west is the Cobourg Road Conservation Area, which comprises terraced residential properties, Cobourg Primary School and New Peckham Mosque which is also Grade II Listed.

The site is situated within designated Metropolitan Open Land (MOL) and Site of Importance for Nature Conservation (SINC).



*Site location plan*

## **Details of proposal**

10. The application proposes the construction of a ball court, which will form part of the new Burgess Park Sports centre consented under planning application 21/AP/1002 (S.73 application to vary planning permission 19/AP/1275). The ball court seeks to provide facilities for wheelchair sports and basketball.

### Proposed site plan



11. The new court will be enclosed by 4.5m high sports fencing on the north, west and south elevations, to match the fencing proposed to surround the adjacent AGP to be delivered to the east. A 1.2m high fence on the east elevation will provide separation between the basketball court and AGP. Gated access into the new court is proposed from the north-eastern corner of the court, and a footpath will run along the northern boundary of the wider site, connecting the court with the new Burgess Park Sports centre to the east.
12. There is a degree of certainty that the consented scheme for Burgess Park Sports Centre Hub (21/AP/1002) will be brought forward simultaneously with this application, to ensure that the court sits within the boundary of the Burgess Park Sports Centre Hub facility.

### Consultation responses from members of the public and local groups

13. The application has received 170 public comments including 143 comments of objection and 25 comments of support. Summarised below are the material planning considerations raised by members of the public. These matters are addressed in the subsequent parts of this report.

#### 14. **Support:**

- The proposal would deliver a positive community benefit that supports young adults and teenagers and meets an identified need for a basketball and wheelchair sports court in the park

#### **Objections:**

##### Principle of development

- Over provision of sports facilities in this location
- Harm to Metropolitan Open Land

##### Design quality and site layout

- Loss of publically open green space
- Loss of the informal use of this area of the park for picnic's ancillary to the adjacent BBQ area
- Inadequate access to the ball court for wheelchair users
- Blocking views from the lake reduces sense of space, openness and connectivity
- Sport facilities are out of keeping with the character of the lakeside area
- Erosion of the park's green credentials

##### Environmental impacts

- Light pollution and noise nuisance affects local ecology and wildlife on the lake, and park users – both in construction and operation.
- Heat affects from loss of open space worsening climate change
- Ground contamination from court surface into the lake
- Drainage and flood risk from increased hard surface

##### Security and prevention of anti-social behaviour

- Loitering, smoking, noise, and potential anti-social behaviour
- Safety concerns from a reduction in visibility and creation of a narrow bottleneck between the ball court and BBQ area

##### Other

- Mental health impacts from loss of open space
- The new facility is controlled via a booking system and not free of charge
- Insufficient consultation with park users
- More planting is needed to screen views of the courts from the lake
- Existing hard standing areas should be used

15. The comments summarised above include an objection from Friends of Burgess Park who are opposed to the loss of open green space, impact on the use of the adjacent BBQ area and lake, smoke pollution from the use of the adjacent BBQ area, distance of the ball court from the sport centre facilities, and the controlled use of the court. They request that there is a reduction in hard surfacing elsewhere in the park to compensate for the loss of green space from this proposal. They also request that a planning condition is imposed which requires the applicant to undertake an assessment of the impact on the BBQ area, functionality and circulation space, as well as a wider review of MUGA's in the local area to

understand demand and supply for this type of facility and its maintenance. The applicants have identified that there is currently no ballcourt provision within Burgess Park.

16. In terms of impact on open space, the proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land. The adjacent BBQ area is to remain closed until a review of the facilities are undertaken to assess the most suitable location and type of BBQ area. This is for the safety of park users and protection of the environment. The additional court sits within the boundary of the already consented sports centre, replacing the provision of a spectator mound, and does not sit any closer to the lake than the adjacent consented sports courts still to be delivered. A spectator mound is consented to the north of the courts, screening views of the sport facility from the lake. Southwark's Environmental Protection Team and Ecologist have reviewed the application and raise no concerns with the proposal in terms of ecology impact, light pollution or noise nuisance, subject to planning conditions. The ballcourt drainage will connect to the lake at Burgess Park to prevent any additional output into the sewer. The court will sit within the Burgess Park Sport Centre facility, enclosed by a 4.5m fence to manage access and reduce potential anti-social behaviour.

### **Planning history of the site, and adjoining or nearby sites**

17. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 3.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

18. The main issues to be considered in respect of this application are:
- Principle of the proposed development on MOL in terms of land use;
  - Impact on openness of MOL;
  - Design and layout including impact on heritage assets
  - Transport and highways including access arrangements, cycle and car parking
  - Landscaping and trees
  - Ecology and biodiversity
  - Environmental matters including noise, light, contamination, air quality and flood risk
  - Other matters
  - Mayoral and borough community infrastructure levy (CIL)
  - Consultation responses
  - Community impact, equalities assessment and human rights.
19. These matters are discussed in detail in the Assessment section of this report.

## Legal context

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
21. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

## Planning policy

22. The statutory development plans for the borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
23. The site is located within the:
  - Air Quality Management Area
  - Site of Importance for Nature Conservation
  - Metropolitan Open Land

## ASSESSMENT

### Principle of the proposed development in terms of land use

24. The application proposes to construct a new ball court within Burgess Park MOL. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2021) and the Southwark Plan Policy P57. This includes the provision of appropriate facilities which are deemed essential for outdoor sport or recreation. Therefore, the proposal meets the policy test for appropriate development in MOL.
25. The Southwark Plan Policy P45 supports the development of new sport facilities, recognising that this type of development will maximise healthy and active life choices in the Borough and reduce social isolation, poor mental health, obesity and



inactivity. The Southwark Plan Policy P47 supports the provision of new community facilities which are accessible for all members of the public. Community facilities should promote healthier lifestyles and be designed and operated to meet the needs of people from all backgrounds. The additional ball court would increase the accessibility of Burgess Park Community Sports Centre so that it can be inclusive of wheelchair users and basketball players. This is a requirement of the public sector equality duty.

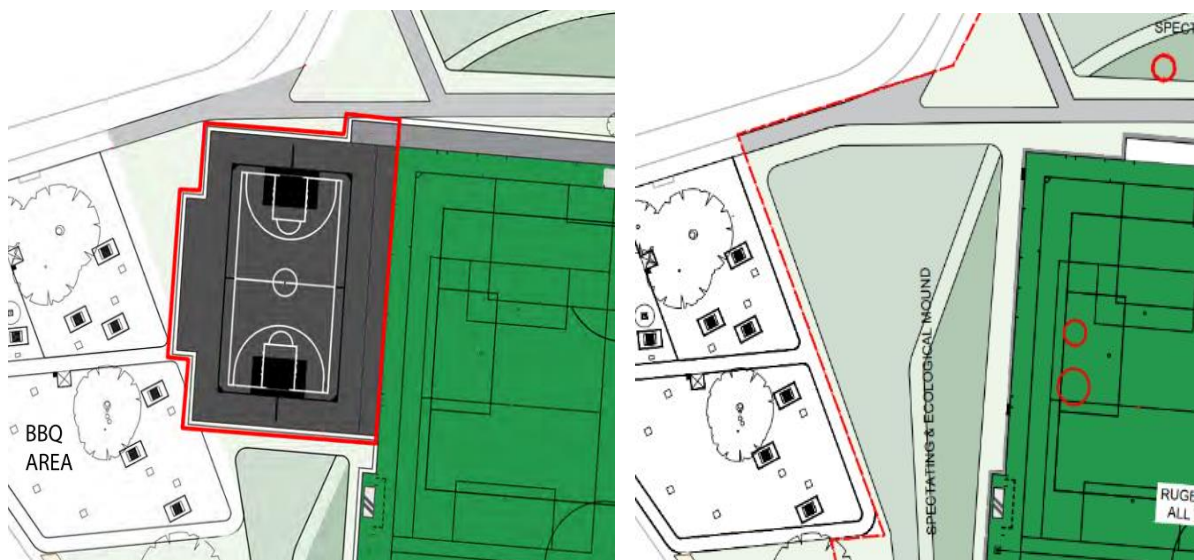
26. Therefore, the principle of proposed development in terms of land use is acceptable, subject to the new facility positively contributing to the setting, accessibility and quality of the MOL and without affecting its openness or detracting from its character.

### **Impact on openness of MOL**

27. The additional court would remove a small amount (1,123sqm) of grassed open space currently used for informal recreation and picnics. The additional court sits mostly within the red line boundary of the consented sport centre and does not sit any closer to the lake (to the north) than the adjacent sports courts. This area of the sports centre site was originally consented for a spectator mound.
28. There is an established use for outdoor sports in this area of the park and the proposed fencing and floodlights would match what has been approved for adjacent courts. This is demonstrated by the proposed elevation plans submitted with this application, which show the court in the context of the wider sports centre site. The impact of an additional ball court in this location is therefore not considered to be harmful to the openness of the MOL.

### **Design and layout**

29. The extant planning permission on this area of the site sought to deliver a spectating mound adjacent to the proposed APG to the east, contributing some noise mitigation for users of the part to the west, and the provision of biodiversity planting. This current application would preclude the future provision of a spectator mound in this location.



*Proposed site plan (left image) and consented site plan (21/AP/1002) (right image).*

30. At the time of assessing this application the spectator mound has not been delivered. Therefore, the ball court would not result in a loss of any ecological habitats or amenity benefits from the mound. Spectator mounds would still be delivered to the north-east and south of the court. The use of this space for a new ball court would provide significant positive benefits to the local community that outweigh the provision of spectator mounds in this location. Biodiverse planting is proposed elsewhere in the park to secure ecological enhancements. This is recommended to be secured through planning condition, in consultation with the Friends of Burgess Park.
31. The new ball court would sit adjacent to the designated BBQ area. The BBQ area is a popular facility within the park and a number of the objectors have raised concern with the closeness of this ball court to the BBQ area. The applicant has advised that the BBQ area has been closed for the last three years. This was initially following advice from the London Fire Brigade in 2018 due to risk of fire in hot weather. It was closed again in 2019 following irresponsible usage and dry ground which presented an unacceptable level of fire risk that could not be safely managed. The area remained closed in 2020 and 2021 due to COVID-19 restrictions. As a result, the BBQ area is in a poor state of repair. Due to concerns with poor air quality, fire risk, anti-social behaviour and management issues it is anticipated that the BBQ area will remain closed in 2022. The applicants are reviewing options to upgrade the park's BBQing facilities through public consultation that will address issues surrounding poor public health and environmental impact. This could involve relocating the BBQ area within the park and utilising electric hotplates instead of charcoal BBQs.
32. the ballcourt boundary would not extend further north than the adjacent articular grass pitches. the pitches and ball court would be enclosed by a 4.5m high black sports fence. therefore, the additional of the ball court would not look out of place when viewed from the surrounding areas of the site. overall, the proposed design and positioning of the new ball court in keeping with the wider sports facilities to be delivered under planning permission 21/ap/1002. any negative impact on the wider

setting of the open park to the north and west is outweighed by the benefit of this additional court, which would improve the accessibility and quality of this community sport facility, in accordance with the public sector equality duty.

### Impact on heritage assets

33. The Cobourg Road Conservation Area is situated to the north-west of the site. The new ball court is set back from the conservation area and would result in no additional harm, over and above that caused by the existing AGP situated in closer proximity to the heritage assets. Any impact would be further reduced when considered in the context of the consented AGPs and spectating mound which are to be situated between the new ball court and the conservation area. Overall it is considered that the proposal for an additional court in this location will have no impact on the setting of the nearby conservation area and listed buildings to the north-west of the site. The type of development proposed is in keeping with the characteristic of this area of the park and will be used for active recreation.

## Transport and Highways

### Access arrangements

34. The new court will utilise the access arrangements consented under planning permission 21/AP/1002. Pedestrian access would be provided between the court and the consented sport centre to the west, which provides ancillary changing rooms and WC facilities. Given the consented layout of the wider site re-development, the new court could not be located any closer to the sports centre, however, access between the court and sports centre is step free. The EQIA undertaken on this site provides assurance and recommendations on the suitability of the sport centre facilities in terms of accessibility.

### Cycle and car parking arrangements

35. Cycle parking is to be delivered within the wider site and will comprise secure, single stack cycle stands, usable for disabled persons. Vehicle drop off is provided on Cobourg Road at the site entrance with a suitably dropped kerb for step free access onto the footway. The applicant will be required to provide designated visitor Blue Badge Bays as part of the proposed development.

## Landscaping and trees

36. The application does not propose the loss of any trees. Details of the soft and hard landscaping proposals will be delivered on the wider site as part of the consented scheme (see 21/AP/1002).

## Ecology and biodiversity

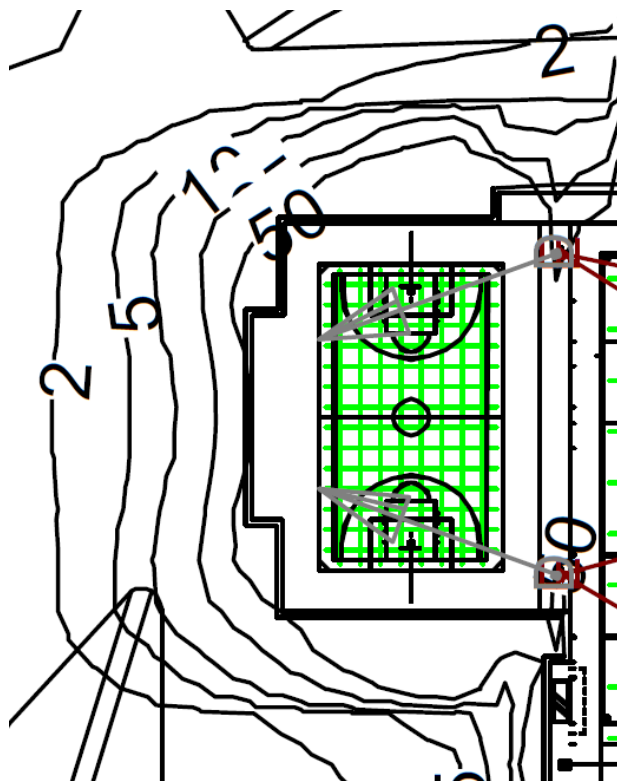
37. The proposed development would not have a greater negative impact on biodiversity. The applicant is proposing to create 500m<sup>2</sup> of wildflower meadow to

be delivered elsewhere within the park. This will provide biodiversity net gains for the sport centre facility.

## Environmental matters

### Noise and light

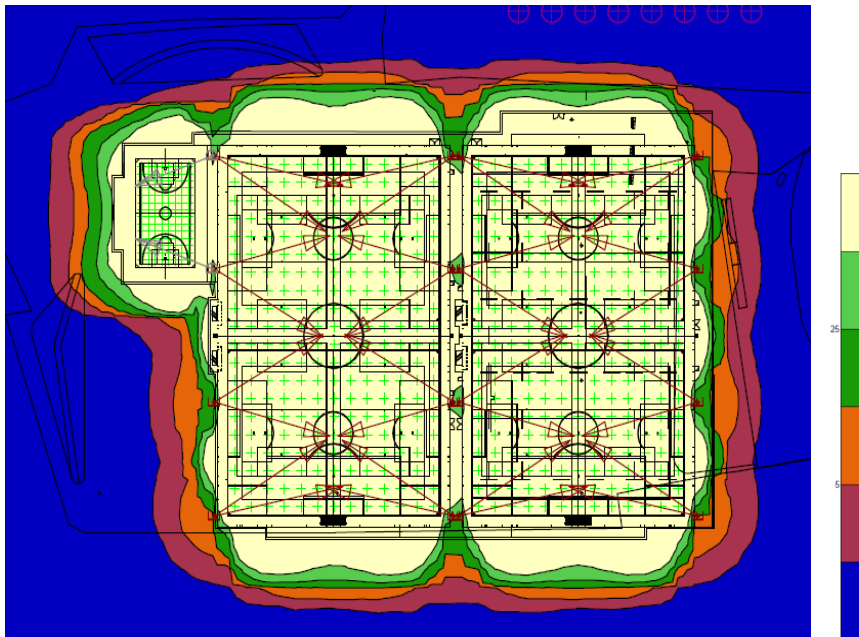
38. There is already an established sport and recreational use within this area of the park. The addition of this ballcourt would not cause greater harm to the amenity of users of the park and surrounding residents in terms of noise nuisance. It is recommended that a planning condition is applied to restrict the hours of use of the court to within the hours of 08:00 to 22.00 on Monday to Friday or 09:00 to 20:00 on Saturdays, Sundays and Bank Holidays. This aligns with the hours of use agreed under planning permission 21/AP/1002 to reduce noise nuisance.
39. The application proposes the installation of x2 LED floodlights that would be attached to the floodlighting columns consented for the adjacent AGP, on the eastern boundary of the new court. The applicant has submitted an artificial lighting assessment to demonstrate compliance with the Institute of Lighting Professionals (ILP) guidance. The ILP Guidance Notes for the Reduction of Obtrusive Light (2021) sets a limit of 25 Lux light spillage in Urban areas (E4 Zone), 10 Lux in suburban areas (E3 Zone) or 5 Lux in rural areas (E2 Zone).
40. The lighting assessment for this development shows the overspill lighting levels to be in compliance with an E2 Zone (rural), dropping below 5 Lux outside of the court boundary. The light overspill faces west, away from residential development located to the north-east and lake area to the north.



*ISO contour overspill diagram*

41. The lighting assessment considers the impact on lighting overspill for this new court in addition to the lighting overspill resulting from the consented AGPs. The same compliance planning conditions that are secured to planning permission 21/AP/1002, should therefore be applied to the additional court. This would restrict the use of floodlights within the hours of 08:00 and 22:00 on any day and prevent any lighting spill from floodlights on the site exceeding more than 5 lux towards any neighbouring premises.

*Filled ISO contour overspill diagram (showing lighting levels for showing consented*



*scheme for two sports pitches on the right 21/AP/1002)*

### Land contamination

42. The application site is situated predominantly within the red line boundary for the approved Burgess Park Sports Centre Hub (21/AP/1002). The Environmental Protection Team have reviewed the submission and have recommended that the Remedial Method Statement (prepared by Leap Environmental Ltd) used to discharge part (a) of Condition 3 (Site investigations) as required by planning permission 21/AP/1002, is applied to the construction of this ball court.

### Air quality

43. The site is within an Air Quality Management Area. The proposed development should achieve at least air quality neutral standards and reduce exposure to and mitigate the effects of poor air quality. The provision of an additional ball court on this site is not likely to noticeably increase transport emissions generated, greater than that generated by the use of the existing or replacement sports centre facility. Measures to encourage more sustainable modes of travel are part of the consented scheme for the wider re-development of the site, to reduce vehicle trip generation onto the site.

## Flood Risk

44. The site is located in Flood Zone 3 but in an area that benefits from the defences of the Thames Barrier and therefore is subject to a low risk of tidal and fluvial flooding. The ballcourt drainage will connect to the lake at Burgess Park to prevent any additional output into the sewer.

## Mayoral and borough community infrastructure levy (CIL)

45. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, the development does not constitute CIL liable development.

## Consultation responses from external and statutory consultees

46. Sport England:
- Satisfied that the proposed development meets exception 3 of playing fields policy;
  - Supportive of ballcourt which provides a facility suitable for wheelchair sports;
  - No objection raised.
  - Clarity sought on the commitment to ongoing risk assessments for the consented AGP to mitigate the sub-optimal run-off areas. The added complexity of players potentially transitioning from the AGP and across the boundary between the two surfaces should be factored in and addressed in the risk assessment.
47. Officer response to issue(s) raised: The commitment to risk assessments is secured under informative note 5 on planning permission 21/AP/1002. The applicant has confirmed that the risk assessments are to be undertaken once the facility is operational and the ballcourt will not prevent the risk assessments being undertaken.

## Consultation responses from internal consultees

48. Environmental Protection Team:
- Application acceptable subject to planning conditions.
49. Ecology:
- An additional basketball court does not negatively impact on biodiversity.
  - 500 m2 of wildflower meadow mitigates for the impact of the court and provides biodiversity net gain.
  - Lighting levels are low and focused on the court.

## **Community impact and equalities assessment**

50. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
51. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.
52. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
  1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
  3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
53. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

## **Human rights implications**

54. 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.
55. This application has the legitimate aim of constructing a new ballcourt for wheelchair sports and basketball. 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.

## Carbon concurrent

### Achieving net carbon zero development in Southwark

56. This application has taken measures to reduce carbon emissions on site with the aim of contributing to net carbon zero by 2050 in accordance with the adopted development plan. These measures are summarised in the table below:

Net carbon zero: summary table	
Are carbon emission reductions covered in the main report?	No - The application proposes an additional ball court that would become part of the consented Burgess Park Community Sports Centre (planning application reference 21/AP/1002). Details of the energy efficiency measures proposed for the development site are summarised in the officer report for the original planning application (ref 19/AP/1275) and subsequent Section 73 planning application (ref 21/AP/1002). Measures include provision of Air Source Heat Pumps to heat the sports centre and a green roof.
Any other comments	The proposal is a minor development therefore is not required by planning policy to be net carbon zero.

### Meeting Southwark's Climate Change Strategy and Action Plan

57. In July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal. The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas:
- Greener Buildings: these actions relate to Southwark's built environment and new developments e.g., emissions from privately rented homes, commercial offices and private property development. They cover scope one and two emissions.
  - Active and Sustainable Travel: these actions relate to surface transport across the borough, e.g., emissions from private car travel. They cover scope one, two and three emissions.
  - A Thriving Natural Environment: these actions relate to the maintenance and security of the borough's natural environment e.g., increasing tree canopy coverage.
  - A Circular Economy with Green Jobs: these actions relate to waste within the borough e.g., emissions from non-recyclable waste disposal. They cover



scope one and two emissions.

- **Renewable Energy:** these actions relate to the provision of more renewable energy within the borough i.e., local installation of technologies such as solar PV

58. The following action point/s have identified as relevant to this planning application:

<b>Priority Area:</b>	Thriving Natural Environment
<b>Action Point:</b>	Retain and protect existing key open spaces and soil carbon stocks which store CO2 in the borough
<b>Action Point Reference Number:</b>	E.2.i
<b>Officer commentary:</b>	The proposal meets the policy test for appropriate development in Metropolitan Open Space (MOL) as it comprises ancillary essential sports facilities that would contribute to the setting, accessibility and quality of the open space, preserving the openness of the space and without conflicting with the function of MOL. Whilst the usability of the space will change from informal recreation to formal outdoor sports provision, it would still be retained and protected as MOL.

### Positive and proactive statement

59. 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.
60. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

### Positive and proactive engagement: summary table

61.

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES

To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	YES
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## CONCLUSION

62. The proposed development is for the construction of a new ball court for wheelchair sports and basketball, ancillary to the approved re-development of Burgess Park Sports Centre Hub (21/AP/1002). This site is located on the eastern portion of Burgess Park. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
63. There is a degree of certainty that the consented scheme for Burgess Park Sports Centre Hub (21/AP/1002) will be brought forward simultaneously with this application; to deliver improvements to the wider site layout, access and ancillary sports facilities as well as provide ecological enhancements and biodiverse landscaping. This proposal will further contribute to the overall quality of the new sports facility, through the delivery of an inclusive ball court that meets an identified need for a hard surfaced outdoor pitch of this size and design specification. The site would benefit from wheelchair accessible changing facilities and step free access arrangements consented as part of the sports centre re-development. It is therefore recommended that planning permission is granted subject to planning conditions.
64. The proposed development would deliver a wheelchair accessible ball court in accordance with the council's public sector equality duty. The ball court is in keeping with the character of this area of the park, and within proximity to the existing Burgess Park Sports centre facilities which include outdoor sports pitches. The proposed design and positioning of the new ballcourt would have no greater impact on the setting, accessibility and quality of the MOL, and would not negatively affect its openness or detract from its character. It is therefore recommended that planning permission is granted subject to planning conditions

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file M2022 Application file 21/AP/3625 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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 0254 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Recommendation
Appendix 2	Consultation undertaken
Appendix 3	Consultation responses received
Appendix 4	Planning policies
Appendix 5	Relevant planning history

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Gemma Perry, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	21 June 2022	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
<b>Date final report sent to Constitutional Team</b>		22 June 2022

## 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.

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<b>Applicant</b>	Pippa Krishnan Southwark Council	<b>Reg. Number</b>	21/AP/3625
<b>Application Type</b>	Local Authority Development		
<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	M2022

## Draft of Decision Notice

**planning permission is GRANTED for the following development:**

Construction of a ball court with perimeter fencing and installation of x2 LED floodlights. The ball court will provide a pitch for wheelchair sports which also functions as a court for basketball, to be included as part of the new Burgess Park Sports Centre Hub facility.

At: Burgess Park Community Sports Pavilion Burgess Park Community Sport Ground 106 Cobourg Road London

In accordance with the valid application received on 27 October 2021 and supporting documents submitted which can be viewed on our Planning Register. For the reasons outlined in the case officer's report, which is also available on the Planning Register. The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

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## Conditions

**Permission is subject to the following Approved Plans Condition:**

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

Reference no./Plan or document name/Rev.

Received on:

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DWG802 FENCE HEIGHTS

18/10/2021

18-0822 08 01 ELEVATIONS LAYOUT (NORTH AND WEST)	17/01/2022
DWG801 Rev1 BALLCOURT SITE PLAN	29/03/2022
DWG800 SITE LOCATION PLAN	18/10/2021

Reason:

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

**Permission is subject to the following Time Limit:**

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.

**Permission is subject to the following Grade Condition(s)**

3. Details of the fencing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any above ground works in connection with this permission are carried out; the development shall not be carried out otherwise than in accordance with any such approval given

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

**Permission is subject to the following Pre-Occupation Condition(s)**

4. Before the first occupation of the development hereby approved, detailed drawings of a landscaping scheme showing biodiverse planting to be delivered in the wider area of Burgess Park, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with: Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) of the London Plan 2021; and Policy P60 (Biodiversity) of the Southwark Plan (2022).

**Permission is subject to the following Compliance Condition(s)**

5. Prior to occupation of the ball court hereby approved, 2 disabled parking spaces shall be provided on Coburg Road and made available for users of the ball court. The spaces shall be retained for the purposes of car parking for the disabled for as long as the development is occupied.

Reason:

To ensure that the parking spaces for disabled people are provided and retained in accordance with: Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (2021); Policy T6 (Car parking) of the London Plan (2021); and Policy P55 (Parking standards for disabled people and the physically impaired) of the Southwark Plan (2022).

6. The use hereby permitted for the ball court shall not be carried on outside of the hours 08:00 to 22.00 on Monday to Friday or 09:00 to 20:00 on Saturdays, Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

7. The floodlights hereby approved shall not be used before 08:00am or after 22:00 on any day and the lighting spill from them shall be no more than 5 lux on any neighbouring property.

Reason:

To protect the amenity of neighbours in accordance with the National Planning Policy Framework 2021, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007

8. The approved Remedial Method Statement dated 30th September 2021 with reference number LP2662/RMS prepared by Leap Environmental Ltd, used to discharge part (a) of Condition 3 (Site investigations) as required by planning permission dated 07/07/2021 [LBS Ref 21/AP/1002], shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

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 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2021.

Signed:

*Stephen Platts*

Director of Planning and Growth

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**Informative Notes to Applicant Relating to the Proposed Development**

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1. Please note that this approval assumes that the adjacent BBQ area will remain closed until a full review of its suitable location and operation is undertaken by the Parks and Leisure Directorate in the interest of public health and environmental protection.



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## Important Notes Relating to the Council's Decision

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### 1. Conditions

- If permission has been granted you will see that it may be subject to a number of planning conditions. They are an integral part of our decision on your application and are important because they describe how we require you to carry out the approved work or operate the premises. It is YOUR responsibility to comply fully with them. Please pay particular attention to those conditions which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site. If you do not comply with all the conditions in full this may invalidate the permission.
- Further information about how to comply with planning conditions can be found at:

[https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types/12](https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12)

- Please note that there is a right of appeal against a planning condition. Further information can be found at:  
[https://www.planningportal.co.uk/info/200207/appeals/108/types\\_of\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/108/types_of_appeal)

### 2. Community Infrastructure Levy (CIL) Information

- If your development has been identified as being liable for CIL you need to email [Form 1: CIL Additional Information](#), [Form 2: Assumption of Liability](#) and [Form 6: Commencement Notice](#) to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk) as soon as possible, so that you can be issued with a Liability Notice. This should be done at least a day before commencement of the approved development.
- **Payment of the CIL charge is mandatory and the CIL Regulations comprises a range of enforcement powers and penalties for failure to following correct procedures to pay, including stop notices, surcharges, late payment interests and prison terms.**
- To identify whether your development is CIL liable, and further details about CIL including eligibility and procedures for any CIL relief claims, please see the Government's CIL guidance:

<https://www.gov.uk/guidance/community-infrastructure-levy>

- All CIL Forms are available to download from Planning Portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

- Completed forms and any CIL enquiries should be submitted to [cil.s106@southwark.gov.uk](mailto:cil.s106@southwark.gov.uk)

### 3. National Planning Policy Framework

- In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

#### 4. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, OR within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.
- Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

#### 5. Purchase Notice

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the council requiring the council to purchase the owner's interest in the land in

accordance with Part VI of the Town and Country Planning Act 1990

## **6. Provisions for the Benefit of the Disabled**

- Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
  - i. Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
  - ii. Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
  - iii. Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.

## **7. Other Approvals Required Prior to the Implementation of this Permission.**

- The granting of approval of a reserved matter or outstanding matter does not relieve developers of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the London Borough of Southwark) entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property. In this connection applicants are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

## **8. Works Affecting the Public Highway**

- You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.

## **9. The Dulwich Estate Scheme of Management**

- Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old

College, Gallery Road SE21 7AE [tel: 020-8299-1000].

#### **10. Building Regulations.**

- You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].

#### **11. The Party Wall Etc. Act 1996.**

- You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

#### **12. Important**

- This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.

## APPENDIX 2

**Consultation undertaken****Site notice date:** 13/05/2022**Press notice date:** n/a.**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 17/11/2021**Internal services consulted**

Environmental Protection  
Ecology

**Statutory and non-statutory organisations****Neighbour and local groups consulted:**

5 Pepler Mews London Southwark	Flat 8 103 Cobourg Road London
Flat 11 85 Cobourg Road London	Flat 5 103 Cobourg Road London
Flat 4 103 Cobourg Road London	Flat 2 103 Cobourg Road London
100 Cobourg Road London Southwark	49 Loncroft Road London Southwark
75 Cobourg Road London Southwark	41 Loncroft Road London Southwark
Flat 3 85 Cobourg Road London	67 Cobourg Road London Southwark
Flat 11 103 Cobourg Road London	Flat 14 103 Cobourg Road London
2 Pepler Mews London Southwark	45 Loncroft Road London Southwark
Flat 3 103 Cobourg Road London	43 Loncroft Road London Southwark
3 Pepler Mews London Southwark	39 Loncroft Road London Southwark
47 Loncroft Road London Southwark	104 Cobourg Road London Southwark
102 Cobourg Road London Southwark	73 Cobourg Road London Southwark
Flat 8 85 Cobourg Road London	93 Cobourg Road London Southwark
89 Cobourg Road London Southwark	91 Cobourg Road London Southwark
Flat 19 85 Cobourg Road London	87 Cobourg Road London Southwark
Flat 16 85 Cobourg Road London	Flat 20 85 Cobourg Road London
Flat 13 85 Cobourg Road London	Flat 18 85 Cobourg Road London
Flat 10 85 Cobourg Road London	Flat 17 85 Cobourg Road London
Flat 6 85 Cobourg Road London	Flat 15 85 Cobourg Road London
83 Cobourg Road London Southwark	Flat 14 85 Cobourg Road London
77 Cobourg Road London Southwark	Flat 12 85 Cobourg Road London

Flat 9 85 Cobourg Road London  
 Flat 7 85 Cobourg Road London  
 Flat 5 85 Cobourg Road London  
 Flat 4 85 Cobourg Road London  
 Flat 2 85 Cobourg Road London  
 Flat 1 85 Cobourg Road London  
 81 Cobourg Road London Southwark  
 79 Cobourg Road London Southwark  
 71 Cobourg Road London Southwark  
 69 Cobourg Road London Southwark  
 65 Cobourg Road London Southwark  
 New Peckham Mosque 99 Cobourg  
 Road London  
 Flat 15 103 Cobourg Road London  
 Flat 13 103 Cobourg Road London  
 Flat 12 103 Cobourg Road London

Flat 10 103 Cobourg Road London  
 Flat 9 103 Cobourg Road London  
 Flat 7 103 Cobourg Road London  
 Flat 6 103 Cobourg Road London  
 Flat 1 103 Cobourg Road London  
 4 Pepler Mews London Southwark  
 1 Pepler Mews London Southwark  
 75A Cobourg Road London Southwark  
 Cobourg School House Cobourg Road  
 London  
 The Annexe Cobourg Primary School  
 Cobourg Road  
 Main Block Cobourg Primary School  
 Cobourg Road

**Re-consultation:**

## Consultation responses received

### Internal services

Environmental Protection  
Ecology

### Statutory and non-statutory organisations

#### Neighbour and local groups consulted:

67 South Way Croydon  
 Flat 2 Malswick Court 35 Tower Mill Road London  
 Flat 2 Cornish house Brandon estate London  
 35 Henshaw Street London SE17 1PE  
 23 Leigh Court London SE5 7FP  
 78 Tower Mill Road London SE15 6BP  
 Flat 6, 69 Camberwell Grove London SE5 8JE  
 16 Ayres Court 74 New Church Road London  
 48 Bird in Bush Rd London SE15 1BH  
 75 Cobourg Road London SE5 0HU  
 Flat 6 69 Camberwell Grove London  
 Flat 16 Henslowe House Lindley Estate London  
 20 Dragon Road London SE15 6QU  
 51 Gables Close Camberwell London  
 92 Mina Road London SE17 2QS  
 Flat B 1a Bethwin Road London  
 1 Sam King Walk London SE5 7FP  
 3 Amstel Court Garnies Close London  
 55 Wells Way 55 Wells Way London  
 Flat 2 South City Court 52 Peckham Grove LONDON  
 19a Kings Grove London SE15 2LY  
 43 South City Court London SE15 6FR  
 32 Leyland Court London SE15 6FY  
 Flat 49 434 Old Kent Road London  
 35 Henshaw Street London SE17 1PE  
 Flat 2, 17 Wren Road, Camberwell, London  
 Flat 35 60 St. George's Way Peckham  
 Flat 26 60 St Georges Way London  
 165A Camberwell Road London SE5 0HB  
 Flat 35 60 St Georges Way London  
 Barrett Court 5 London  
 79 Stanswood Gardens London SE5 7SR  
 FLAT 66 64 ST. GEORGES WAY LONDON  
 1 Kitaj Court 59 Edmund Street London  
 25 Bagshot Street London SE17 2QW  
 24 Coleman Road LONDON SE5 7TG

24 Coleman Road London Se57TG  
 7 SUNSET BUILDINGS, 76 EDMUND STREET London  
 18 Leigh Court 1 Sam King Walk London  
 22 Cadiz Street London SE17 2TJ  
 94 Mina Road London  
 4 Madeleine Terrace 5a Bushey Hill Road London  
 73 cobourg rd London Se50hu  
 13a Parkhouse Street London SE5 7TQ  
 36a bird in bush rd Peckham Se156rw  
 18 Triangle Court 315 Camberwell New Road London  
 97 Mina Road Covent Garden London  
 14 Ayres Court 74 New Church Road Camberwell  
 69c Balfour st London Se17 1pl  
 Flat 6, Jardin House Stead Stret London  
 15 Granville Square London SE15 6DU  
 13 Hodgkin Court 2 Dobson Walk London  
 6 palfrey court 74 edmund street London  
 102 Albany Road Albany Road London  
 100 Cobourg Road London SE5 0JB  
 110c Elmington Road LONDON SE5 7RB  
 47 Shenley Road Camberwell Se58nd  
 81 Mina Road London SE17 2QS  
 25a Sears Street London  
 13 Ashmore Close London SE15 5GY  
 42 Southampton Way Flat 22 Hambling Court London  
 Flat 9 31 moody road London  
 70 Lomond Grove London SE5 7 LE  
 Flat 2, 100 Newent Close London  
 29 Glengall Road, London London London  
 177 Cator Street, Ground floor flat LONDON SE15 6AA  
 23 kinglake street London Se17 2rr  
 11 London Se50ht  
 97a Grosvenor Pk London Se50nj  
 4 Malswick Court 35 Tower Mill Road London  
 74 Aylesbury rd london  
 28 Surrey Square London SE172JX  
 112 mina road London Se17 2qs  
 5 Palfrey Court 74 Edmund Street London  
 15a New Church Road Camberwell SE5 7JH  
 3 Hambling Court 42 Southampton Way London  
 51 Wodehouse Avenue London SE5 7FD  
 12 Leigh Court 1 Sam King Walk London  
 11 Hogan Court London SE5 7NF  
 Flat 21, Landor House Elmington Estate London  
 89 mina road London Se17 2qs  
 3 Tilson Close London SE5 7TZ  
 93b MINA ROAD LONDON SE17 2QS  
 Flat 112 Pacific Wharf 165 Rotherhithe Street London  
 11B Sears Street london SE5 7JL



151 friary road London Se15 5uw  
 36A Surrey Square London SE17 2JX  
 89 Mina Road London SE17 2QS  
 54 grange road BERMONDSEY London  
 77 Smyrk's road Walworth London  
 46 Henshaw Street, Walworth, London  
 Flat 10 2 Burcher Gale Grove London  
 99 Mina Road London SE17 2QS  
 236 Merrow Street London SE17 2PA  
 9 Palfrey Court 74 Edmund Street London SE5 7NR  
 70 Lomond Grove London SE5 7LE  
 67 pages walk London Se1 4hd  
 46 Henshaw Street London Southwark  
 8 laxley close London SE5 0yp  
 27 Cobourg rd London SE5 0HT  
 Flat 1, 32 Burcher Gale Grove London SE15 6FL  
 1 Hambling Court London SE5 7TT  
 9b Vicarage Grove, London London SE57LW  
 11 Palfrey Court 74 Edmund Street London  
 Flat 21 54 Peckham Grove London  
 110 Dobede Way, Soham Dobede way Ely  
 36 a bird in Bush road Peckham Se156rw  
 Flat 27 Riddell Court London SE5 0DS  
 29 Lindley House Peckham Park Road London  
 46 Petersham drive Orpington Br5 2qe  
 73 Montpelier road London Se15 2hd  
 9 Angel lane London Se17 3FG  
 4 Evelive Road Surrey Cr4 3le  
 7 Montacute road London SE64XL  
 177 Cator Street, Ground floor flat LONDON  
 40 Crane house London, Peckham SE15 5NG  
 36a bird in bush rd Peckham Se156rw  
 Flat 22 Perronet House Princess Street London  
 Flat 29, Innis House, East Street, LONDON  
 5 Keston House Kinglake Street London  
 9 galleria court Peckham Se156pw  
 27 Lynbrook Grove Peckham London  
 Flat 6,41 Kelly Avenue London  
 5 Keston House Kinglake Street London  
 27 Lynbrook Grove Peckham London  
 43 South City Court London SE15 6fr  
 Flat 15 Alexandra Court, 45A Urlwin Street London SE5 0AB  
 7 Hodgkin Court 2 Dobson Walk Camberwell  
 29 Trafalgar avenue London Se15 6np  
 183 East Street Walworth. London SE17 2SD  
 12 Gloucester court London SE1 5HQ  
 7 Ridgeway Crescent Gardens Orpington BR6 9QH  
 170 Fifth Avenue 170 London  
 73 Lessingham Avenue Tooting SW17 8NG

41 Amery House Kinglake Street London  
 134 Kennington park road London Se11 4bt  
 Flat 47, 62 St George's Way London SE15 6QS  
 10 Burcher Gale Grove London Southwark  
 Flat 77 Wakefield House Goldsmith Road London  
 5 Keston House Kinglake Street London  
 Flat 47, 62 St George's Way London SE15 6QS  
 8 Cornbury House Evelyn Street London  
 35 Gateway London SE17 3UE  
 Flat 2, 27 Colegrove road London se15 6nt  
 69c Balfour st London SE17 1PL  
 275 Camberwell New Road London SE50TF  
 Flat 149, Taplow Thurlow Street London  
 69 Balfour st London Se171pl  
 181 Trafalgar Street London SE172TP  
 240 Merrow Street London SE17 2PA  
 Flat 19 Peterchurch house London se15 1nf  
 10 Burcher Gale Grove London SE15 6FL  
 87 Balfour Street London SE17 1PB  
 36a bird in Bush rd Peckham Se156rw  
 36a bird in Bush rd Peckham Se156rw  
 18 Ada Road London SE5 7RW  
 118 Benhill Road London SE5 7LZ  
 19 Southborough House Kinglake Estate London  
 Flat 26 50 St Georges Way London  
 128 Benhill Road Camberwell SE5 7LZ  
 Pimlico London SW1V 3AT  
 33 Trafalgar Avenue London SE15 6NP  
 2 Beckett house 32 Lingham street London  
 436A Bromley Road, Bromley Bromley BROMLEY  
 37 Gilesmead London Se5 7ln  
 53 Celandine Close South Ockendon Rm15 6jb  
 89 Kingsley Flats Old Kent Road London  
 26 sonesta apartments 2A Burchell road London SE15 2AJ  
 96 newent close London Se156ed  
 101 Nunhead grove London Se15 3lx

## Planning Policies

National Planning Policy Framework (the Framework) 2021

Chapter 2 Achieving sustainable development

Chapter 8 Promoting healthy and safe communities

Chapter 13 Protecting Green Belt land

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

The London Plan 2021

Policy D12 Fire safety

Policy S5 Sports and recreation facilities

Policy G3 Metropolitan Open Land

Policy G6 Biodiversity and access to nature

Policy SI 1 Improving air quality

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

Policy T6.5 Non-residential disabled persons parking

Southwark Plan 2022

Policy P13 Design of places

Policy P14 Design quality

Policy P16 Designing out crime

Policy P45 Healthy developments

Policy P47 Community uses

Policy P53 Cycling

Policy P54 Car parking

Policy P55 Parking standards for disabled people and the physically impaired

Policy P56 Protection of amenity

Policy P57 Open Space

Policy P60 Biodiversity

Policy P64 Contaminated land and hazardous substances

### Relevant planning history

Reference and Proposal: 21/AP/1002 Minor material amendment to planning permission 19/AP/1275 (Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches) for amendments to configurations and setting out of building including an overall increase in building footprint of 118sqm to facilitate an Air Source Heat Pump, relocation of the clubroom within the sports centre to the south, amended external cladding from silver aluminium to copper, and inclusion of green roof, as well as changes to the landscaping and re-location of cycle parking. GRANT - Regulation 3/4 07/07/2021

Reference and Proposal: 19/AP/1275 Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2. No. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches. GRANT - Regulation 3/4 19/12/201

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**NOTE:** Original held by Constitutional Team all amendments/queries to Gerald Gohler Email: gerald.gohler@southwark.gov.uk Tel: 020 7525 7420

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