

Planning Sub-Committee B

Monday 5 December 2022

7.00 pm

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

Membership

Councillor Cleo Soanes (Chair)
Councillor Emily Tester (Vice-Chair)
Councillor Esme Hicks
Councillor Emily Hickson
Councillor Adam Hood
Councillor Richard Livingstone
Councillor Sandra Rhule

Reserves

Councillor Sam Dalton
Councillor Sabina Emmanuel
Councillor Victoria Mills
Councillor Charlie Smith
Councillor Victor Chamberlain

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact

Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 25 November 2022



Planning Sub-Committee B

Monday 5 December 2022

7.00 pm

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

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 4
	To approve as a correct record the minutes of the meeting held on 19 October 2022.	

Item No.	Title	Page No.
7.	TREE PRESERVATION ORDER (TPO), 677 CONFIRMATION REPORT - 89 TALFOURD ROAD, LONDON SE15 5NN	5 - 25
8.	DEVELOPMENT MANAGEMENT ITEMS	26 - 30
	8.1. 2 SOMERFORD WAY SE16 6QW	31 - 65
	8.2. 2 DULWICH VILLAGE, SOUTHWARK LONDON SE21 7AL	66 - 84

Date: 25 November 2022

Planning Sub-Committee

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

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

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

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

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

Please note:

Those wishing to speak at the meeting should notify the constitutional team by email at 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: beverley.olamijulo@southwark.gov.uk



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Wednesday 19 October 2022 at 7.00 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Emily Tester (Vice-chair)
 Councillor Esme Hicks
 Councillor Adam Hood
 Councillor Richard Livingstone
 Councillor Sandra Rhule

OTHER MEMBERS PRESENT: Councillor Hamish McCallum (ward member)

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
 Alison Brittain (Team Manager, Enforcement)
 Sonia Watson (Team Leader, Major Applications)
 Alex Gillott (Legal Officer)
 Maria Lungangira (Principal 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 Emily Hickson.

3. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as voting members of the sub-committee.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

Agenda item 7.1 – India House, 45 Curlew Street London SE1 2ND

Councillor Emily Tester declared a non-pecuniary interest, as the application is in her ward.

Agenda item 7.2 – 2 Somerford Way, London SE16 6QW

Councillor Adam Hood declared a non-pecuniary interest, as the application is in his ward.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7.1 – development management items and the members pack.

6. MINUTES

RESOLVED:

That subject to the amendment regarding Cllr Livingstone's declaration, which was for item 7.3, Glengall Wharf Garden, 64 Glengall Road SE15 6NF; the minutes of the meeting held on the 12 September 2022 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT REPORT

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 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.

7.1 INDIA HOUSE, 45 CURLEW STREET LONDON SE1 2ND

Planning application reference 21/AP/4199

Report: See pages 9 to 43 of the agenda pack and pages 1 to 4 of the addendum report.

PROPOSAL:

Construction of a new roof terrace to serve the existing offices with privacy screening, composite decking and terraced seating, external balustrade and lighting.

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

A spokesperson for the objectors was present to address the sub-committee and responded to questions from members.

The applicant's agent addressed the meeting and responded to questions from members.

There were no supporters who lived within 100 metres of the development site present at the meeting.

Councillor Hamish McCallum was present to address the meeting in his capacity as a ward member and responded to questions from members of the sub-committee.

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

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

RESOLVED:

1. That planning permission be granted subject to amended conditions and additional conditions set out in the report and the addendum.

The additional conditions agreed at the sub-committee meeting include:

- Condition 3 (Construction Management Plan)

- Condition 4 (Operational Management Plan) and
 - Condition 13 (No alcohol consumption).
2. That the planning sub-committee agreed to amend the conditions below: Condition 10 (Hours of use) to prevent the office from being used on weekends and Condition 5 (Privacy screening) to include details of the colour.

7.2 2 SOMERFORD WAY, LONDON SE16 6QW

Planning application reference 21/AP/2514

Report: See pages 9 to 43 of the agenda pack and pages 4 to 5 of the addendum report.

PROPOSAL:

Demolition of existing conservatory and construction of a dormer window to the existing house. Construction of a two-storey house to provide a 4-bedroom dwellinghouse with dormer windows.

The sub-committee noted the chair's announcement concerning the deferral of this planning item.

There were no registered speakers at the meeting.

A motion to defer the application was moved, seconded and declared carried.

RESOLVED:

That planning application 21/AP/2514 be deferred until the next available meeting.

The meeting ended at 8.25 pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 5 December 2022	Meeting Name: Planning Sub-Committee B
Report title:		TPO 677 Confirmation Report 89 Talfourd Road London SE15 5NN	
Ward(s) or groups affected:		St Giles	
From:		Director for Planning and Growth	

RECOMMENDATION

1. That the provisional TPO reference 677 be confirmed, unamended.

BACKGROUND INFORMATION

2. A Tree Preservation Order (TPO) was served on a provisional basis on the 14 July 2022 in response to resident requests following a proposal to fell the tree by the landowner.
3. The TPO covers one individual tree, a mature Horse Chestnut, located to the rear of the property.
4. The European Horse Chestnut has been classified as 'vulnerable' within the IUCN (International Union for the Conservation of Nature) Red List of Threatened Species.
5. Officers were notified by concerned residents of an intention to fell the tree on the 12 July 2022. Officers attended site and conducted a tree health investigation of the tree and TEMPO Assessment.
6. One objection and 16 letters in support of the TPO have subsequently been received, which according to the council's standing orders must be considered at planning committee before the order can be confirmed.

KEY ISSUES FOR CONSIDERATION

7. To continue to have effect the TPO attached in Appendix 1 must be confirmed within 6 months from the date of being served. Should it not be confirmed the privately owned tree described in the schedule and shown in the plan would not be afforded any protection and could be removed at any time.
8. The tree was assessed as attaining a score of 16 (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 tree, together with the limited visibility and resulting in a decision guide indicating that the making of a TPO is merited.

9. 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.
10. 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.
11. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

12. 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.
13. Section 198 of the Act imposes a duty on the local planning authority to ensure the preservation and protection of trees whenever appropriate.
14. Priority 3 of the Council's Climate Change Strategy, with particular reference to the Southwark Nature Action Plan (SNAP) (2020); sets out the vision and strategy for the continued protection, conservation and enhancement of nature in the borough. "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))"
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 3. Development must

retain and enhance the borough's trees and canopy cover; and 4. Where trees are removed to facilitate development, they should be replaced by new trees 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; or 2. If this is not possible, outside the development. In this case a financial contribution must be provided to improve borough tree planting located according to 'right tree right place' principles. The financial contribution will include ongoing maintenance costs where trees are planted in the public realm.

17. The current recommendation supports the relevant national legislation, London and 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 tree.
19. The objection argues against the TEMPO assessment and inclusion of the tree subject to the Order on the basis of visibility, or lack thereof, from public realm.
20. It is the opinion of the Objector that the LPA's assessment of the tree's condition does not conform to the TEMPO guidance in relation to its structural condition and suitability for a TPO; and the tree's very limited visibility from, and contribution to, the wider public realm.
21. The Objector argues that the condition of the tree would fall into the 'Fair' rather than 'Good' category. The Consultant on behalf of the tree owner notes the presence of several minor defects which conclude that a more accurate score for the condition of the tree would be fair as opposed to good.
22. The nature of the defects include the presence of the Horse Chestnut Leaf Miner (*Camereria ohridella*), whilst it's presence is not commonly referred to as a particularly problematic physiological defect in isolation, indeed it is often referred to as cosmetic; untreated (through the removal of the build-up of leaf mulch to prevent overwintering by the pest), this could result in significant impacts as it may provide an opportunity for secondary infection. Officers would therefore conclude that, in this instance, the presence of leaf miner is both manageable and relatively insignificant.
23. The Arboricultural consultant has also noted the presence of an area of orange staining on the north-east face of the trunk at approximately 2m above ground level, semi-consistent with early symptoms of Horse Chestnut Bleeding Canker (*Pseudomonas syringae* pv. *Aesculi*).

24. The TPO Officer for the Council, who undertook the initial assessment of the tree is a member of the London Tree Officer's Association Working Party on Horse Chestnut Bleeding Canker and has concluded that there is no indication that the tree exhibits signs of structural or physiological decay at this time. Any indications of enhanced bark necrosis and leaf loss would indicate that intervention was required, but that this is not currently the situation and so would not preclude the preservation of the subject tree.
25. The consultant would also like to draw the Council's attention to a historic and partially occluded wound located on the upper side of a significant scaffold branch at approximately 3m on the tree's southern aspect. The presence of reactive wood formation around the wound is suggestive of a reasonable reaction from the tree in compartmentalising the damage. This wound may become problematic in the future in the absence of intervention.
26. Officers identified the wound at time of the TEMPO Assessment and found it to have occluded by approximately 75%. Intervention through the reduction of the structural scaffold branch may be appropriate in the interests of good tree husbandry and could be applied for under a TPO application, in the normal way. Conditions may be applied under a tree preservation order to ensure that works comply with the relevant British Standard. BS:3998:2010 Tree works – recommendations, thus preventing poor or substandard works which may exacerbate tree decay.
27. The second objection is based upon visibility where the consultant argues that the visibility, in isolation, to be sufficient grounds for the making of a new order. Indeed the consultant highlights the need to consider the particular importance of the individual tree including its size and form, future potential, rarity, cultural or historic value, its contribution to, and relationship with, the landscape...(contribution to the character and setting or appearance of a Conservation Area)
28. For these other relevant factors, the consultant makes an important point and that potentially and even in the absence of achieving a sufficient TEMPO score that this tree would merit preservation on the basis of its stature, size and form, its relationship to the landscape in which it sits and its status as being considered 'vulnerable' within the IUCN (International Union for the Conservation of Nature) Red List of Threatened Species.
29. Horse Chestnut *Aesculus hippocastanum* has most recently been assessed for The IUCN Red List of Threatened Species in 2017. *Aesculus hippocastanum* is listed as Vulnerable under criteria C2a(i): Continuing decline AND a: number of mature individuals in all subpopulations (CR \leq 50, EN \leq 250, VU \leq 1,000) OR % of mature individuals in one subpopulation (CR \geq 90%, EN \geq 95%, VU = 100%)

30. The IUCN Red List is a critical indicator of the health of the world's biodiversity. It is a powerful tool to inform and catalyze action for biodiversity conservation and policy change, critical to protecting the natural resources we need to survive. It provides information about range, population size, habitat and ecology, use and/or trade, threats, and conservation actions that will help inform necessary conservation decisions. (<https://www.iucnredlist.org/>)
31. The serving of a TPO affords 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.
32. 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.
33. The law requires that in order for a TPO to be served the amenity must be assessed. Officers conclude that, for the reasons set out above, 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, that the tree is generally free of defects, showing good health and has reached normal longevity and size for the species and so should be afforded a 'GOOD' status.
34. 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.

Consultation

35. The TPO was lawfully served to the owner and near neighbours of the tree and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

36. It is recommended for the reasons set out above that the tree is at significant risk of removal without the protection of a TPO.
37. 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.

38. Should the provisional TPO not be confirmed, the tree would not be afforded any protection.
39. It is therefore recommended that in order to afford greater legislative protection to the tree, and to ensure that sufficient evidence is provided in the event that removal is requested, that the Provisional Tree Preservation Order be confirmed, unamended.

REASONS FOR URGENCY

Legislative requirement

40. The TPO lapses on 13 January 2023 if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders	Online	NA
TEMPO guidance http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf	Online	NA
Southwark Council TPO information http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas	Online	NA
Southwark TPO register https://geo.southwark.gov.uk/connect/analyst/mobile/#!/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones	Online	NA

APPENDICES

No.	Title
Appendix 1	Slides
Appendix 2	Map
Appendix 3	Tree Preservation Order

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Liam Bullen, Tree Preservation Order (TPO) Officer	
Version	Final	
Dated	17 November 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 November 2022

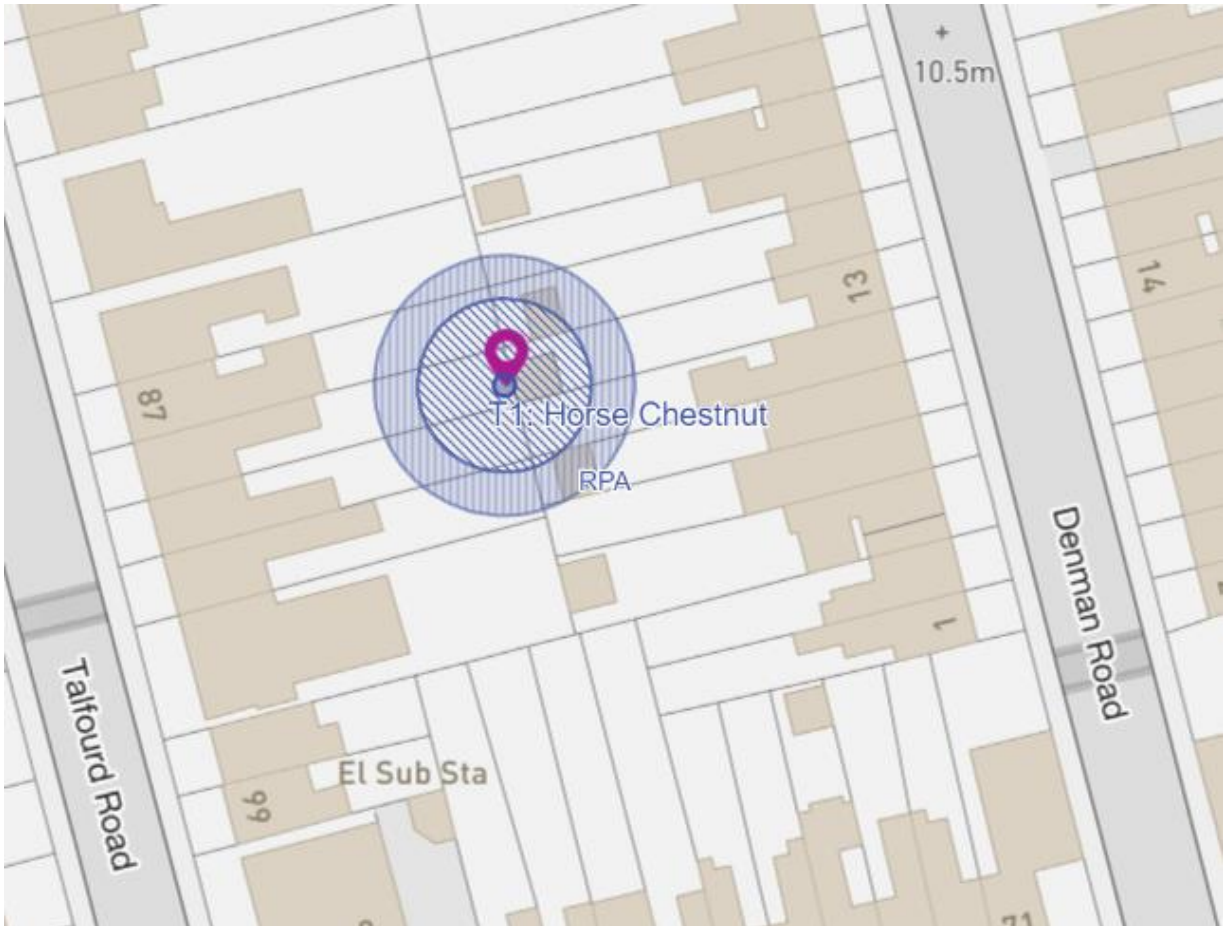
Slides





APPENDIX 2

MAP



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.677) 2022**

89 TALFOURD ROAD LONDON SE15 5NN

THIS IS A FORMAL NOTICE to let you know that on the 14th July 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 tree makes a positive contribution to the local environment as assessed by a TEMPO evaluation.

The order took effect on a provisional basis on 14th July 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 14/08/2022). 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/677), 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 14th July 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 677) 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 677) 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 14th July 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	Horse Chestnut	Rear of 89 Talfourd Road

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

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

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

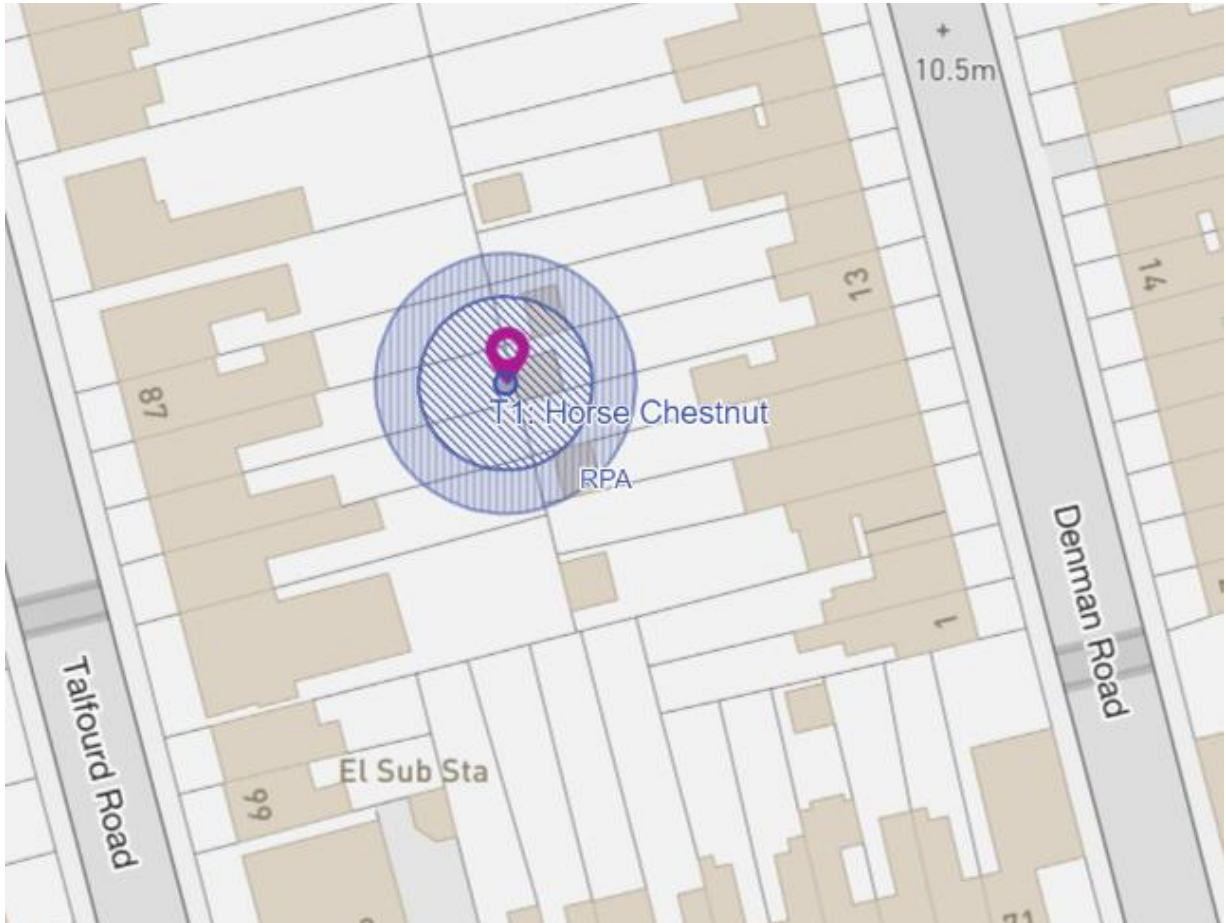
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

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		

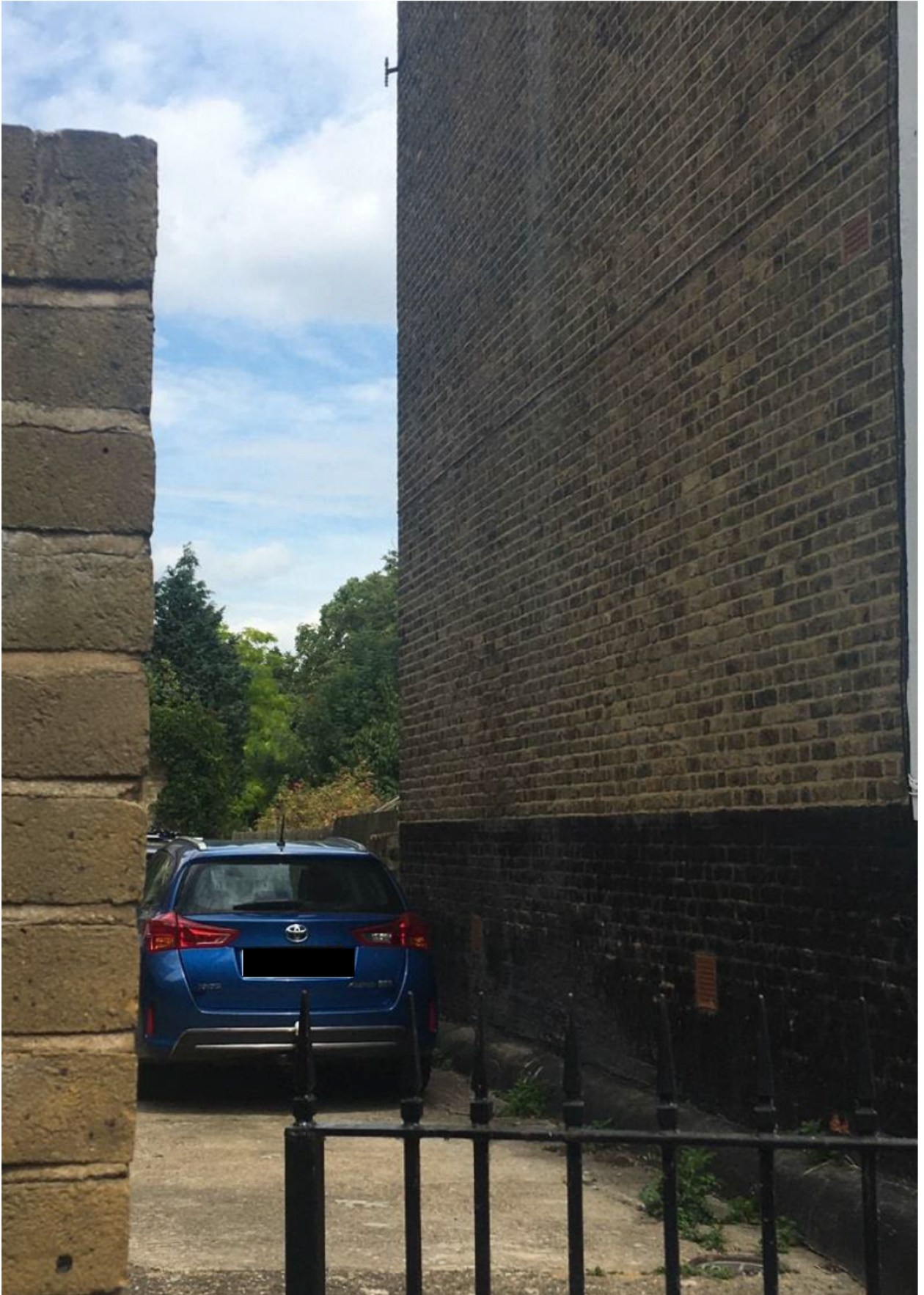
TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)					
Survey Data Sheet & Decision Guide					
Date:	13.07.2022	Surveyor:	LB		
Tree details					
TPO Ref (if applicable):	677	Tree/Group No:	T1	Species:	Horse Chestnut
Location:	89 Talfourd Road				
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS					
Part 1: Amenity assessment			Score: Highlight as Applicable		
a) Condition & suitability for TPO			b) Retention span (in years) & suitability for TPO		
Good Highly suitable	5	Leaf Miner	100+ Highly suitable	5	Age & Species
Fair Suitable	3	(Cosmetic)	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 heir cohesion			4		
Trees with iden ifiable historic, commemorative or habitat importance			3	IUCN Red List	
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				Limited (very) visibility of a mature horse chestnut with leaf miner
3) Foreseeable threat to tree	3				(cosmetic) no bleeding canker, no ganoderma.
2) Perceived threat to tree	2				Stem, roots and canopy structurally sound apart from a 75% occluded
1) Precautionary only	1				wound. Cracks associated with growth
					Overall health GOOD. Canopy shows good vigour.
Part 3: Decision guide					
Any 0 Do not apply TPO		Overall Score:	16		Date:
1-6 TPO indefensible				TPO Served:	14.07.2022
7-10 Does not merit TPO		Recommend:	TPO		
11-14 TPO defensible			Do Not TPO	Confirmed:	
15+ Definitely merits TPO		Date:	13.07.2022		

MAP











Item No. 8.	Classification: Open	Date: 5 December 2022	Meeting Name: Planning Sub-Committee B
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for 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 Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

12. A resolution to grant planning permission shall mean 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 committee and issued under the signature of the Director of Planning and Growth shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Director of Planning 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 shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Director of Law and 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, and to any other material considerations when dealing with applications for planning permission.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

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

19. 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.

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 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

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Deputy Head of Law (Planning and Development)	
Version	Final	
Dated	22 November 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Director of Planning and Growth	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 November 2022	



SITE PLAN- 21AP2514
2 SOMERFORD WAY LONDON SE16 6QW



Southwark Maps includes © Crown copyright and database rights 2022 OS (0)100019252. Aerial imagery from Verisk. The default base map is OS mapping remastered by Europa Technologies..

Contents

Contents	1
EXECUTIVE SUMMARY	2
BACKGROUND INFORMATION	3
Site location and description	3
Details of proposal	5
Consultation responses from external, internal and divisional consultees	7
Planning history of the site, and adjoining or nearby sites.	8
KEY ISSUES FOR CONSIDERATION	9
Summary of main issues.....	9
Legal context	9
Planning policy.....	10
National Planning Policy Framework (NPPF)	10
The London Plan 2021.....	10
Southwark Plan 2022.....	11
ASSESSMENT.....	11
Principle of the proposed development in terms of land use.....	11
Impact on the amenity of neighbouring occupiers.....	14
Good design and heritage.....	15
Carbon concurrent	20
Conclusion	22
BACKGROUND DOCUMENTS.....	22
APPENDICES	22
AUDIT TRAIL	23

Item No. 8.1	Classification: Open	Date: 5 December 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 21/AP/2514 for: Full Planning Application Address: 2 Somerford Way SE16 6QW Proposal: Demolition of existing conservatory and construction of a dormer window to the existing house. Construction of a two-storey house to provide a 4-bedroom dwellinghouse with dormer windows.		
Ward(s) or groups affected:	Surrey Docks		
From:	Director of Planning and Growth		
Application Start Date	19 July 2021	PPA Expiry Date	
Earliest Decision Date	25 June 2022		

RECOMMENDATION

1. That planning permission be granted subject to conditions, and the applicant entering into an appropriate legal agreement to secure the new house as a self-build property.
- 2.
3. In the event that the requirements of paragraph 1 above are not met by 31 December 2022, the Director of Planning and Growth be authorised to refuse planning permission, if appropriate. The reason for refusal will be that the development fails to comply with the council's policy for social rented and intermediate homes P1 of the Southwark Plan 2022.

EXECUTIVE SUMMARY

4. Permission is sought for alterations to an existing house and a new house adjoining it.
5. The application is being dealt with at Planning Sub-Committee as the new development is contrary to the development plan, being construction of a new house that is located on Metropolitan Open Land MOL, and not complying with policies relating to acceptable development on MOL.
6. The application site includes the side garden of the house, which is enclosed by a fence, together with a strip of land immediately outside of it, with a width of

approximately 3m – 3.5m that lies within the amenity grassed area along Downtown Road/Somerford Way.

7. The side garden of the existing house is designated as MOL, the boundary of which sits on the flank wall of the existing house. The strip outside the garden is similarly designated as MOL. The MOL as a whole is Russia Dock Woodland. The land parcel that the application is subject to (both the side garden and the strip outside of the fence) was created through sale of it by the Council and the LDDC to the then owner of the existing house in two parcels in 1983 and 1996. Immediately to the side of the house, the land has the appearance of an enclosed domestic garden and is for the private use of the occupiers of the house. The strip forms part of the grassed amenity land lying to the back the pavement. The garden is not open to the public and has served no purpose as open land for the enjoyment of the public since its disposal. The strip, however, forms the edge of the grassed amenity area and is open to the public.
8. The location of the MOL boundary on the flank wall of the house is very longstanding and has not been re-drafted to take account of disposal of the land. A new dwellinghouse is not development that is acceptable on designated MOL. However, selling the land to a householder indicates an intention that the open space use would cease. Part of the application site did cease public use, being enclosed within a domestic garden. It is not know why the strip was not similarly enclosed.
9. The new house proposed would predominantly be located on the existing side garden, with most of the strip being a side garden for the new house. There will be a loss of part of the grassed amenity area MOL as a result of this application. The history of the land sale is considered to provide very special circumstances that can be taken into account in determining the application. There will be a loss of MOL on the extreme edge of land with this designation as a result of this application but given its location this is not considered to cause significant harm to the character and use of the open space.
10. The new house provides an acceptable standard of accommodation and is of a design that fits in well with the local townscape. The applicant has confirmed that the house is 'self build' (a new house for the developers' family) and as such, is not required to make a contribution to affordable housing.

BACKGROUND INFORMATION

Site location and description

11. The application site comprises two distinct areas: a two storey end of terraced house with a front and rear roof dormers, which has an existing single storey rear conservatory extension and ample land to the front, side and rear of the property. The curtilage of the property includes land to the side that is a fenced garden. The application site also includes a strip of land immediately alongside the fenced garden that forms part of the adjacent grassed amenity area.

12. The site bounded:

To the east by: no.1 (on opposite side of the road)

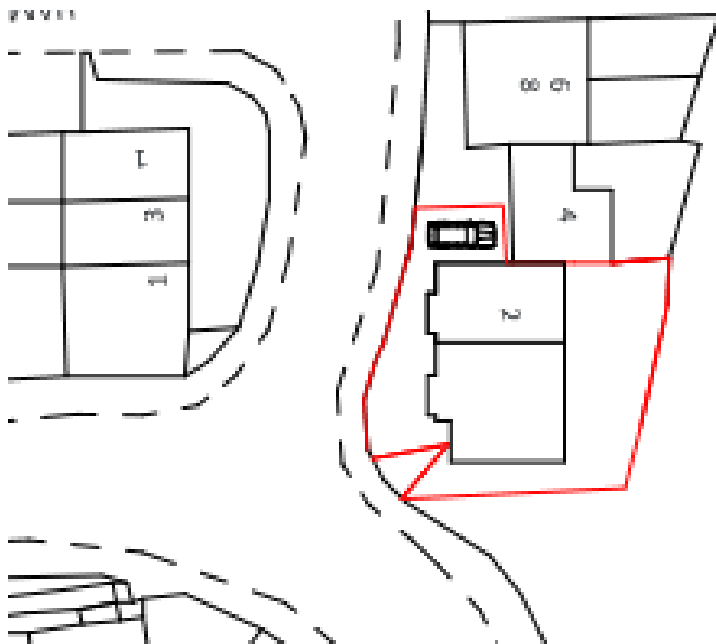
To the south by: No.4

13. The land slopes up from the road. There are no significant changes between no. 2 and no. 4.

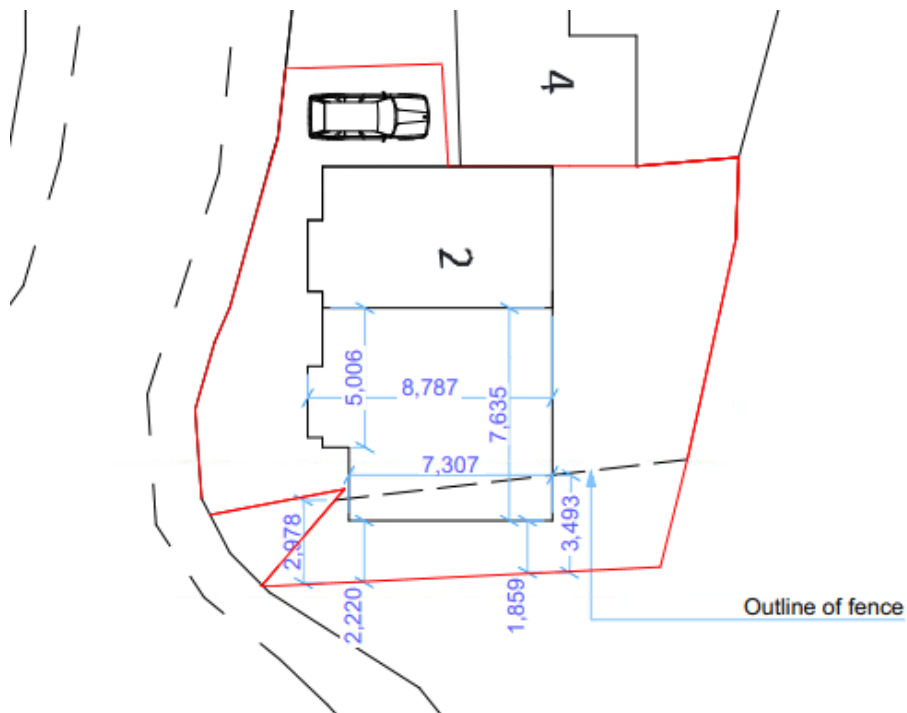
14. The site for the new house (side garden of the existing house together with a strip of land immediately adjacent to it) is designated as Metropolitan Open Land. The boundary of Russia Dock Woodland is on the flank of the existing house and the rear. The land for the new house is also designated as a Site of Importance for Nature Conservation and a local nature reserve. The site is located within an air quality management area, Flood Zone 3 and the Canada Water Action Area.

15. The street character is of houses with gardens, with a large area of well vegetated and tree-ed open space providing the side and rear setting to the existing dwelling.

16. Site layout: existing house no. 2 showing footprint of new house adjacent.



17. Site layout including dimensions of application site showing existing house, existing fence line, the strip in the grassed amenity land and the footprint of the proposed new house:



18. Existing house showing garden to side



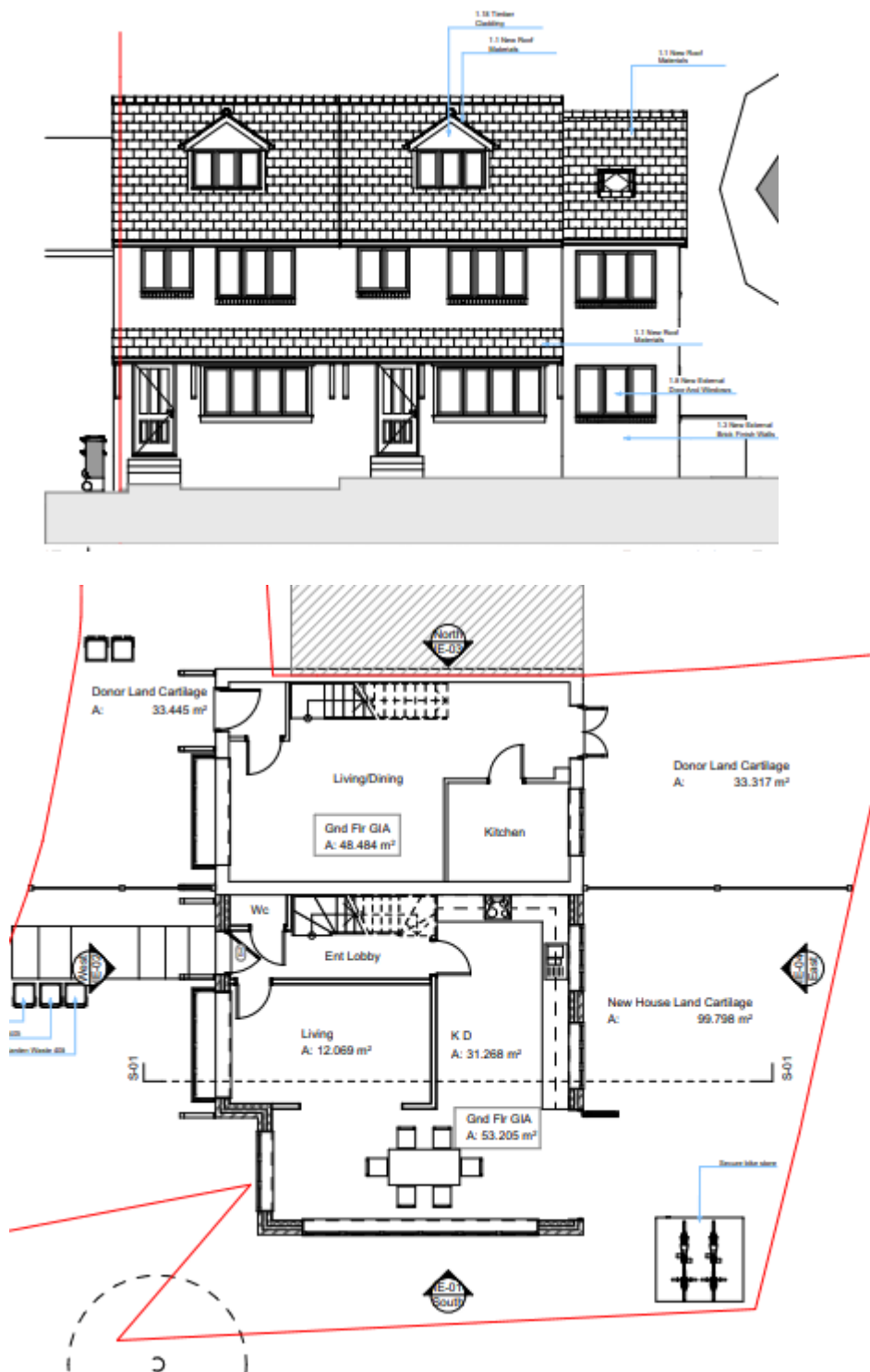
Details of proposal

19. Planning permission is sought for the demolition of existing rear conservatory to no. 2 to give an area of rear amenity space for the existing house; and construction of a dormer window to the rear existing house (full width of rear roof slope which has been subject to a previous certificate of lawful development. This development is currently underway)

and:

Construction of a two-storey house with front and rear dormer windows to the side of the existing house. The house will have a side/front/rear garden. The location of the house is within the side garden and the side strip as shown on the plan in para 14.

20. The new house will match the building line and height of no. 2 with a portion set back immediately adjacent to the new side garden. The materials will match the existing house. The overall appearance will be that the new house is a continuation of the terrace.



Amendments to the application

21. Various additional reports were required to support a full assessment of the proposal.

Consultation responses from members of the public and local groups

22. Sixteen letters of OBJECTION received from **members of the public** at time of writing.
23. Issues: development on land with MOL, SINC and nature reserve status; detrimental impact on woodland; impact on trees, nature and biodiversity, in particular the willow at the front of the adjoining land; change to landscaping in Somerford Way; lack of parking.
24. **Friends of Russia Dock Woodland - OBJECT**
- Friends of Russia Dock Woodland have always supported the councils stance on protection of MOL & LNR;
 - RDW is surrounded by low level housing with residents back gardens backing directly onto the Woodlands for obvious biodiversity reasons;
 - This protection has to be adhered to;
 - An impressive 50ft RDW Willow and its roots would almost certainly be compromised by the above application.
25. Further comments received:
- Friends of Russia Dock Woodland are fully supportive of Southwark Councils policy in protection of MOL/LNR inappropriate developments that be harmful to our award winning Woodland.
 - Any deviation from household gardens abutting the woodlands would be considered as an environmental step backwards and contravene the Councils Biodiversity Action Plan (BAP).
 - Other photographic evidence shown by the applicant ie 1 Somerford Way +16 Victory Way do not compare in any way with the 2 Somerford Way application. Non of them abut RDW - MOL/ LNR - Plus No1 is not a new house it is an extension abutting Downtown Rd.
 - Consultation should have been wider and the site notice was removed shortly after posting.

Consultation responses from external, internal and divisional consultees

26. Transport – Satisfied with the information submitted. No objection
27. Environmental agency – Require imposition of a pre-commencement conditions
28. Environmental Protection Team –Require imposition of a pre-commencement condition.

29. Urban Forester - One off site C category willow is affected with minor incursion into its root protection area. Given the open grown position within a grassed area and management under cyclical crown reduction the proposed development is not considered to have a significantly adverse effect should proposed tree protection measures be secured as part of an arboricultural method statement. Landscaping should be provided to provide screening and ensure front garden amenity is not dominated by hard surfaced car parking.
30. Further comments following a Members site visit: The site backs onto Russia Dock Woodland which has been compromised by some incidental ingress into the MOL. This should be discouraged owing to damage to the ecosystem; potential for fly tipping or antisocial behaviour.
31. The Parks Department have requested a 3m buffer zone around the site. The applicant has since been approached to provide a sum of money, to be secured via a S106 legal agreement, to enable planting a dense hedge along the boundaries to discourage footfall where the rear meets the woods. A sum of £4000 has been agreed.
33. Ecology Officer - The development is adjacent to a Local Nature Reserve. Information has been provided to explain the impacts. Subject to conditions on swift bricks and small mammal gaps in the boundary fence, no objections. There should be no outside lighting to minimise any harmful impacts on bats.
34. Southwark Council Parks – OBJECT
- The development is proposed on Metropolitan Open Land and development on MOL is contrary to GLA and LBS planning policy;
 - It is adjacent to a nature reserve (Russia Dock Woodland) and both the building works and subsequent development will have a detrimental effect on the nature reserve, wildlife and people's enjoyment of the nature reserve at a time of increasing recognition of the value of green space and is contrary to LBS' response to the climate and biodiversity emergencies;
 - It would impact the two adjacent willow trees which are a valued landmark in the local area and would probably lead to them being felled;
 - Many other private residences have their boundary with the nature reserve, allowing this proposed development could set an unsustainable precedent.

Planning history of the site, and adjoining or nearby sites.

35. Other than the grant of a certificate of lawful development under 21/AP/2514 for a rear dormer extension, there is no planning history. The rear dormer is under construction.
36. There is some uncertainty about how and when the side garden to the house became incorporated into the curtilage. This is relevant because the MOL and SINC designations include the side garden and the boundary lies on the flank wall of the existing house. Aerial photographs from the 1980's show a house

with a rear garden only. A conservatory extension was constructed to the rear and at some point in the late 1980's there is indication of a side garden being created.

37. Title documents show that land was sold to the then owners of no. 2 in two parcels in 1983 and 1996 which is likely when the side garden was formed. However the MOL boundary was not affected by this land sale and has remained on the side wall of the dwellinghouse.
38. There is also no information as to why the fence was installed in its current position as this does not include the entirety of the land shown on the Land Registry title for the dwelling

KEY ISSUES FOR CONSIDERATION

Summary of main issues

39. The main issues to be considered in respect of this application are:
 - Land use considerations specifically the designation of the development site as Metropolitan Open Land, a site of importance for nature conservation and a local nature reserve
 - Affordable housing, as a new dwelling is created
 - Consultation responses, and how the application addresses the concerns raised;
 - Impact on the amenity of neighbouring occupiers;
 - Good design and heritage;
 - Energy
 - Fire safety regulations;
 - Transport
 - Any other planning material considerations
 - Community impact and equalities assessment;
 - Human rights implications, and;
 - Positive and proactive statement.
40. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

41. 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 Southwark Plan 2022 and London Plan 2021.
42. The local planning authority may depart from the development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in [article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). In cases where the local planning authority intends to depart from development plan policy, [article 15\(3\) of the Development Management](#)

[Procedure Order](#) sets out the publicity requirements which must be followed before the decision is taken. This application was publicised as a departure from the development plan policy in the Southwark News on 26.05.2022.

43. 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

National Planning Policy Framework (NPPF)

44. The revised National Planning Policy Framework ('NPPF') was published in July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
45. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
- 46.
- Chapter 5 Delivering a Sufficient Supply of Homes
 - Chapter 8 Promoting Healthy and Safe Communities - note paragraph 103 states that policies for managing development within a Local Green Space (such as MOL) should be consistent with those for Green Belts.
 - Chapter 9 Promoting Sustainable Transport
 - Chapter 11 Making Effective Use of Land
 - Chapter 12 Achieving well-designed places
 - Chapter 13 Protecting Green Belt Land
 - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 Conservation and Enhancement of the Natural Environment

The London Plan 2021

47. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:
- D4 - Delivering good design
 - D6 - Housing Quality and Standards
 - D12 - Fire safety
 - H1- Increasing Housing Supply
 - H2 - Small sites
 - H4 - Affordable Housing
 - G1 - Green Infrastructure
 - G3 - Metropolitan Open Land
 - G6 - Biodiversity and access to nature
 - G7 - Trees and Woodland
 - S1 12 - Flood risk management

- T6.1 - Residential Parking

Southwark Plan 2022

48. The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:
- P1 – Social Rented and Intermediate Housing
 - P14 - Design quality
 - P15 - Residential design
 - P18 - Efficient use of land
 - P54 - Car Parking
 - P56 - Protection of amenity
 - P57 - Open Space
 - P60 - Biodiversity
 - P61 - Trees
 - P70 - Energy
49. Of relevance in the consideration of this application is:
- 2015 Technical Updated to Residential Design Standards SPD (2011)
 - Sustainable Design and Construction SPD (2009)
 - S106 Supplementary Planning Guidance
 - S106 Affordable Housing

ASSESSMENT

Principle of the proposed development in terms of land use

Relevant policy designations

50. Development on MOL
51. Inappropriate development on MOL has been raised in both letters of objection.
52. MOL is given the highest protection from inappropriate development in the NPPF, the London Plan 2021 and the Southwark Plan 2022. The NPPF makes it clear that MOL should be treated in the same way as designated Green Belt Land.
53. Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. Para 148 states that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

54. Para 149 sets out the test for what is appropriate and therefore what would be allowed as development on the Green Belt (and MOL). This is also referred to in Policy P57 of the Southwark Plan 2022.
55. Appropriate development in MOL is considered to be:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - – not have a greater impact on the openness of the Green Belt than the existing development; or
 - – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
56. Creation of a new private house is not listed as appropriate development and as such, it is considered that this development is contrary to the MOL policy. The development will only be acceptable should site circumstances, the nature of the development and any other material considerations indicate that the policy should, in very exceptional circumstances, be set aside.
57. The MOL/SINC/local nature reserve boundary has been on the flank wall of the existing house since at least 2005 and there is no record of this boundary being changed via local plan inquiries. As such, it has a very longstanding open space designation that likely predates the creation of the side garden of the dwellinghouse. It is uncommon that part of a domestic curtilage would be bound by these planning designations and it may have arisen through the owner of the dwellinghouse purchasing part of Russia Dock Woodlands to create a side garden. A portion of the land that was sold is enclosed by a fence and hedges and includes a garden shed and garden furniture. Its appearance is of a domestic garden within the curtilage of a house, rather than a publicly accessible element of open space, and this has been the case for many years.
58. The land sold also includes the strip alongside the garden fence that forms the extreme edge of the grassed amenity area. It is not know why this portion was

not similarly enclosed within the side garden of the house. The strip has continued to form part of publically accessible open space.

59. Exception (g) to the policy listed above allows for limited infilling which does not have a greater impact on the openness of the Green Belt (or MOL). Given the location of the side garden plus the strip, and the fact that it is right on the boundary of MOL, the proposed new house is considered to have a limited impact on the openness of the MOL. Most of the new house is located on the side garden of the existing house. A limited part of the footprint is located on the strip (refer to site plan in para 14). There is no building on most of the strip albeit that the land would very likely be enclosed by a boundary such as a fence. It would cease to form part of the grassed amenity area.
60. Para 143 of the NPPF states that when defining Green Belt boundaries, plans should not include land which it is unnecessary to keep permanently open. In this case the side garden part of the site is not open to the public at all and falls instead within the curtilage of 2 Somerford Way so it is unnecessary for it to be kept permanently open. Once the land was sold to the then owner of 2 Somerford Way many years ago, it is clear that it would no longer serve as publicly accessible open space as it was for purposes of creating a private side garden.
61. The strip would be taken into a domestic curtilage of the proposed new house. Most of the strip would remain undeveloped as it is part of the side garden of the new house. Notwithstanding, it would be a loss of land that currently forms part of a grassed amenity area that offers an open space and visual amenity in the area.
62. Considering the history of the sale of land that now forms the side garden and the strip, its location, current appearance and function, it is considered that in this case, an exception to the MOL policy can be made. The side garden of the existing house clearly does not offer any open space use. It has long appeared as a domestic garden with an outbuilding.
63. The development of the strip is more problematic as it is part of an area of open space that is available for informal recreation. The development involves building on a limited element of it, with the remainder left open. Its loss is not considered to be significantly harmful to the grassed amenity area and will not harmfully diminish the character and function of the open space.
64. The application site is on the extreme edge of Russia Dock Woodland where the open space meets areas of housing. There is certainly a reasonably strong case that through the local plan process, the MOL boundary could be redrafted to exclude this small area.
65. Creation of a new house is considered positive and will make a small contribution to the housing stock in the borough.

Affordable housing and development viability

66. Policy P1 of the Southwark Plan 2022 requires that development creating new housing units makes a contribution to affordable housing in the borough. For

small sites, this is likely to be a financial sum based on the number of habitable rooms in the new development.

67. An exception can be made in the case of 'self building' where the affordable housing payment is effectively deferred but becomes payable should the dwelling be sold into the private market at a later date. This is secured via a S106 agreement.
68. In this case, the proposed new dwelling has 4 bedrooms and a kitchen living dining room which, being over 31m², counts as 2 habitable rooms. Six habitable rooms are therefore created in the new development.
69. The affordable housing contribution is therefore:
 $35\% \times 6 \text{ (hab rooms)} \times \text{£}100,000 = \text{£}210,000.$
70. Policy P1 became a material consideration when the Southwark Plan 2022 was adopted in February 2022. This application pre-dates the adoption of the Southwark Plan by a significant period having been submitted in July 2021.
71. It is considered reasonable given the age of the application that the 'claw back' for the affordable housing sum is limited to 3 years, which is the same as for a CIL payment on self building. This means that if the house is sold within 3 years of completion, then the affordable housing payment (indexed) will be payable. If it is sold after the 3 year period, then there is no requirement for the affordable housing payment.

Impact on the amenity of neighbouring occupiers

72. The proposed development is considered to comply with Policy P56 Protection of Amenity of the Southwark Plan 2022. The works to the existing house are a rear dormer extension that is already subject to a certificate of lawful development, and removal of a conservatory extension which current occupies most of the rear garden, thereby re-creating amenity space for no.2. This does not harm the amenity of neighbours.
73. The new house is effectively a sideways extension of the terrace towards the open space. Front and rear building lines, materials and heights are matched. Windows largely look front and rear and offer similar view points to existing. There is good separation to houses opposite.

Quality of accommodation

74. The proposed new house is of a generous size and complies with the relevant space standards set out in the Residential Design Standards SPD.

4b5p	Design Standard	Proposed Room size	Complies
Bed 1	7.0sqm	10.13sqm	Yes
Bed 2	7.0sqm	11.37sqm	Yes

Bed 3	7.0sqm	7.85sqm	Yes
Bed 4	12.00sqm	21.76sqm	Yes
Liv/Kit/Din	15sqm	31.26sqm	Yes
Bathroom 1	3.5sqm	5.01sqm	Yes
En-suite	3.5sqm	3.81sqm	
Shower	3.5sqm	3.71sqm	
Storage	2.75sqm	14.16 sqm	Yes
Outdoor space	50sqm	approx. 100 sqm	Yes

75. All rooms have good outlook and daylighting.
76. In terms of amenity space, the removal of the conservatory at no.2 frees up the garden of the house to how it was when the house was constructed. The size is 33.3qsm which is below the 50sqm standard but given this was how the house was in its original form, it is considered acceptable.
77. The new house has outside space of almost 100sqm which well exceeds the minimum standard.
78. The development is considered to comply with the relevant standards for new housing and is acceptable.
79. There are bin storage areas to the front and cycle parking shown.
80. No parking is provided for the house. The location has a low PTAL of 1a and it is likely that the occupier of the proposed house would find car use preferable. The area is not heavily parked. It is not considered that one additional house would harm local transport conditions to such an extent as to find the development unacceptable.

Good design and heritage

81. Design policies seek that development is appropriate for its context in terms of form, materials and siting.
82. The site is not located within a conservation area nor within the setting of any heritage assets.
83. Alterations to no. 2 - the removal of the conservatory and the dormer extension are acceptable and do not raise any significant design issues.
84. New House - the new house is larger than no. 2. It has a greater width, albeit that part of it is set back from the front building line, reducing its bulk. Materials, height and building lines are maintained, so the house reads as part of the existing terrace. Detailed design in terms of windows and doors

matches the neighbour.

85. One element of the MOL policy is relevant to the consideration of the design of the development:
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
86. The new house is effectively an extension to no. 2. The proposal is a larger building than no. 2. Disproportionately large development is resisted on MOL. However, in this case, by maintaining height, building lines and materials, the proposal does not appear disproportionate to the terrace, and it is set in a generous garden which maintains the street scene character of single dwellinghouses surrounded by gardens and greenery.
87. Given the garden to the rear and side of the proposed house, it is considered that the impacts on the setting of Russian Dock Woodland are softened. This can be further secured by requiring a landscaping proposal for the garden areas and boundary treatments, which can be secured by condition.
88. It is further recommended that all permitted development rights are removed by condition so that any extensions, alterations or outbuildings can be considered via a planning application, given the sensitivities of the location adjacent to designated open space.

Ecology

89. The site is located on the boundary of a SINC and a LNR. The impact on the SINC and the LNR has been raised in both letters of objection.
90. The Ecologist has reviewed the information provided by the applicant on the nature conservation interest in the site. Subject to conditions, the development is not considered harmful to nature conservation. A small mammal gap and swift bricks will be secured by condition and will contribute to biodiversity net gain. A condition is also recommended that the exterior of the building will not be security lit which will limit any impacts on bat activity in the vicinity. A thoughtful landscaping approach to the garden areas around the new dwelling can also provide an opportunity for biodiversity net gain.

Trees

91. The Arboricultural impact assessment has been reviewed and subject to a condition, there are no harmful impacts arising from the development. There is an incursion into the root protection area of the willow to the front of the site, but with appropriate controls, there should not be significant adverse impacts. The area outside the curtilage should be suitably cordoned off, detailed in the tree protection plan, to prevent any potential damage to the tree or the MOL. Tree works are expected in order to facilitate any build, and these would need to be identified in the Arboricultural Method Statement, as conditioned.

A landscaping condition is also recommended to ensure that the site does not become dominated by hard surfacing.

Policy D12 (A) of the London Plan (2021) - Fire Safety

92. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed.
93. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
94. The applicant has provided a fire safety report. It has not been drafted by an individual with recognised fire safety qualifications. The following fire safety measures have been identified:

The primary means of escape will be through the front door providing an escape route onto the street. There is also the secondary option of escaping via the ground floor rear door providing access to the rear and side garden areas.
95. The proposed new dwelling will have interlinked smoke and heat detectors to provide early warning and detection of fire.
96. The construction of the new dwelling will comply with Building Regs approved Document B (Fire Safety).
97. The site lies at the junction of Somerford Way and Downtown Road and there is sufficient on-street space around the site for a fire truck and equipment to park outside the property.
98. There are no lifts proposed as this development comprises a 2-storey single dwellinghouse.
99. Periodic testing of the smoke/fire alarms will be undertaken.
100. Building control approval will be required during construction of the proposals to ensure compliance.
101. Notwithstanding that this is a fairly basic assessment, not prepared by an individual with specialist fire safety qualifications, it deals with the key points of the planning policy. The proposal is for a two storey house with roof accommodation, the same as other houses in the short terrace and which does not present unusual risks in relation to fire safety and on balance, the information provided satisfies the requirements of planning policy. This is not a full assessment of the requirements of fire safety in new building, which will be dealt with comprehensively at Building Regulations stage.

Energy

102. Policy P70 Energy applies to this development. The policy requires all development to minimise carbon emissions in accordance with the energy hierarchy of be lean, be clean, be green.
103. An energy report has been provided which sets out some fairly limited energy reduction measures. Development is now subject to new building regulation energy measures. Given the small scale of the proposal it is not feasible for substantial green energy measures on site and the applicant considers options such as solar panels not to be cost effective.

S106 and CIL

104. The developer has stated that this new house is a 'selfbuild' which is for personal/family use. This means that it is exempt from CIL and an affordable housing contribution. If the house is sold onto the open market within 3 years, it becomes CIL liable. Similarly, a S106 legal agreement is recommended that the affordable housing payment is required if the house is sold onto within the 3 year period. A sum of £4000 has been secured for planting of a wildlife buffer.

Any other matters

105. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
106. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
107. 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:

The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act

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, and;

- 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.
108. 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.
109. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. An equalities impact assessment for this proposal is contained below:

Equalities impact assessment

110. The land affected by the development is currently a side garden to a house plus a strip of land adjacent to it. The part enclosed by the fence is not available to any other users except for the occupants of the house. A strip of land approximately 2.9m – 3.5m wide in the applicant's ownership falls outside the site to the north and forms part of the grassed area forming a transition from the street to the woodland at this location. This strip of land is not used for scheduled community events although the local community, stakeholder groups, the Friends of RDW and volunteer groups undertake both passive and active activities across the entire LNR.
111. The grassed area to the north of the site offers a visual amenity to residents in the surrounding streets. Open grassed areas generally provide valuable open space for informal recreation activities in inner city boroughs. However, this grassed area, due to its limited size and location adjacent to a road, does not offer facilities for organised outdoor recreation. Its main benefit appears to be to add to greening and a sense of openness in the locality. The grassed area has however been subject to fly-tipping with garbage and debris being thrown into this area.
112. It is therefore, not considered that the construction of a new house will disproportionately affect any group with protected characteristics. There does not appear to be a 'desire line' to enter the main part of the Russia Dock open space from here (one such desire line exists to the side of the air shaft) and the formal Downtown entrance to the park is located within 60m of the site.
113. There is evidence of an informal path to the rear of 2 and 4 Somerford Way, possibly to give direct access to the rear garden of no. 4. Immediately to the west is a thickly planted wooded area. There is no obvious regular use of this area in the form of paths and clearings. Its value is one of nature conservation and biodiversity rather than offering an area of recreation to members of the public. It acts as a wooded buffer between the houses and the main Russia Dock Woodland open space. It is understood from the Parks Department that formalising access to the rear of gardens into these wooded buffer areas is discouraged as it damages the ecosystem, and can lead to fly tipping and nefarious activities.

114. Extending the terrace northwards, other than some pruning of overhanging branches, would have little effect on the wooded buffer. Again, it is not considered that any group with protected characteristics would be disproportionately affected in any way.
115. It is against this background that it is assessed that this application has the legitimate aim of providing a new dwelling house. 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

116. 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.
117. These measures are summarised in the table below:

Net carbon zero: summary table	
Are carbon emission reductions covered in the main report?	No. The proposed development is a minor development and therefore is not required to provide minimum on site carbon saving figures.
Be Lean measures(energy efficient design and construction)	None.
Be Clean measures (low carbon energy supply)	None.
Be Green measures (on site renewable energy generation and storage)	None. The agent has stated that this is not cost effective.
Any other comments	A new house will be subject to up to date building regulations for energy efficiency

Meeting Southwark's Climate Change Strategy and Action Plan

118. 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.
119. 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

120. The following Action Point/s have identified as relevant to this planning application:

Priority Area:	Thriving Natural Environment
Theme	Building and development works alongside and enhances our natural environment
Officer commentary:	Conditions are recommended to landscape the garden, provide swift bricks and small mammal gaps and to prohibit outdoor lighting to limit any impact on bats; safeguard trees
Priority Area:	Active and Sustainable Travel
Theme	Make cycling and walking easier
Officer commentary	The new house will provide cycle parking

Positive and proactive statement

121. The council has published the Southwark Plan 2022 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.
122. 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.

Conclusion

123. The proposal demonstrates conformity with the principles of sustainable development. It respects the amenity of neighbouring properties and is of an acceptable design. The reasons why an exception to MOL policy are relevant here have been explained. Accordingly, it is recommended that planning permission be granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents TP/443-2	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Planning history of site and nearby sites
Appendix 3	Consultation undertaken
Appendix 4	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Alison Brittain, Team Manager	
Version	Final	
Dated	22 August 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		21 November 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.

Applicant	Bogdan Melanuic	Reg. Number	21/AP/2514
Application Type	Minor application		
Recommendation	GRANT subject to Legal Agreement	Case Number	443-2

Draft of Decision Notice

Grant subject to Legal Agreement for the following development:

Demolition of existing conservatory and construction of a dormer window to the existing house. Construction of a two-storey house to provide a 4-bedroom dwellinghouse with dormer windows. This application is a DEPARTURE from the local plan in that it is development on Metropolitan Open Land.

2 Somerford Way London Southwark SE16 6QW

In accordance with application received on 16 July 2021 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

EXISTING AND PROPOSED SOUTH ELEVATION PL.1 - B received 16/07/2021

EXISTING AND PROPOSED WEST ELEVATION PL.2 - B received 16/07/2021

EXISTING AND PROPOSED NORTH ELEVATION PL.3 - B received 16/07/2021

EXISTING AND PROPOSED EAST ELEVATION PL.4 - B received 16/07/2021

EXISTING AND PROPOSED SECTION S-01 PL.5 - A received 16/07/2021

PROPOSED SECOND FLOOR PLAN PL.11 - A received 16/07/2021

PROPOSED ROOF PLAN PL.13 - A received 16/07/2021

PROPOSED SITE PLAN PL.16 - B received 16/07/2021

PROPOSED GROUND FLOOR PLAN PL.7 - B received 16/07/2021

PROPOSED FIRST FLOOR PLAN PL.9 - B received 16/07/2021

Other Documents

Design and access statement received 16/07/2021

Time limit for implementing this permission and the approved plans

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 Pre-Commencements Condition(s)

3. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A site investigation scheme, based on the 'Phase 1 Environmental Site Assessment Report' by Enviro Solution Ltd (dated 12 January 2022, ref.CL101_V1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework (NPPF) (Paragraph 174). The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

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

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

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

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement.

Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - Recommendations if within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure,

G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Southwark Plan 2022: P56 Protection of amenity; P57: Open space; P58: Open water space; P59: Green infrastructure, P66 Reducing noise pollution and enhancing soundscapes, P13: Design of places; P14: Design quality; P15: Residential design, P20: Conservation areas; P21: Conservation of the historic environment and natural heritage and P60 Biodiversity.

Permission is subject to the following Grade Condition(s)

5. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include proposed boundary treatments and these shall include a small mammal gap. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the development. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

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

6. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-

term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

Permission is subject to the following Compliance Condition(s)

7. MATERIALS TO BE AS SPECIFIED

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation. The materials proposed shall match the materials of the adjoined house, no. 2 Somerford Way.

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); Strategic Policy 12 (Design and Conservation) of the Core Strategy (2011); and Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan (2007).

8.

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water

pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174). Infiltrating water has the potential to cause remobilization of contaminants present in shallow soil/made ground which could ultimately cause pollution of ground water.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework (NPPF) (Paragraph 174).

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework (NPPF) (Paragraph 174). The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to controlled waters.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the new house hereby approved, and no outbuilding shall be constructed or installed without the express permission of the local planning authority, to whom an application must be made. In addition, no external floodlighting shall be installed, either attached to the house or within the garden.

Reason: To safeguard the character and the amenities of the premises and setting of Russia Dock Woodlands, and to limit any harm to the local bat population, in accordance with Chapter 12 (Achieving good design) of the National Planning Policy Framework (2021); Policies D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity) and Policy P60 Biodiversity of the Southwark Plan (2022).

12. Details of Swift nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission. No fewer than 2 nesting boxes / bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The Swift nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021); Policy G6 (Biodiversity and access to nature) of the London Plan (2021); P56 Protection of amenity, P57 Open space, P58 Open water space, P59 Green infrastructure, P60 Biodiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

Informatives

APPENDIX 2**Relevant planning history**

Reference and Proposal	Status
21/AP/2064 Certificate of lawful development (proposed) for the removal of the existing rear roof dormer and replacement with a larger dormer extension, and two roof lights to front roof slope.	GRANTED - Certificate of Lawfulness Prop 04/08/2021

Consultation undertaken

Site notice date: 25/05/2022

Press notice date: 26/05/2022

Case officer site visit date: 25/05/2022

Neighbour consultation letters sent: 26/07/2021

Internal services consulted

Community Infrastructure Levy Team

Ecology

Environmental Protection

Flood Risk Management & Urban Drainage

Transport Policy

Urban Forester

Ecology

Parks Department

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

4 Somerford Way London Southwark

Friends of Russia Dock Woodland

Re-consultation:

Consultation responses received**Internal services**

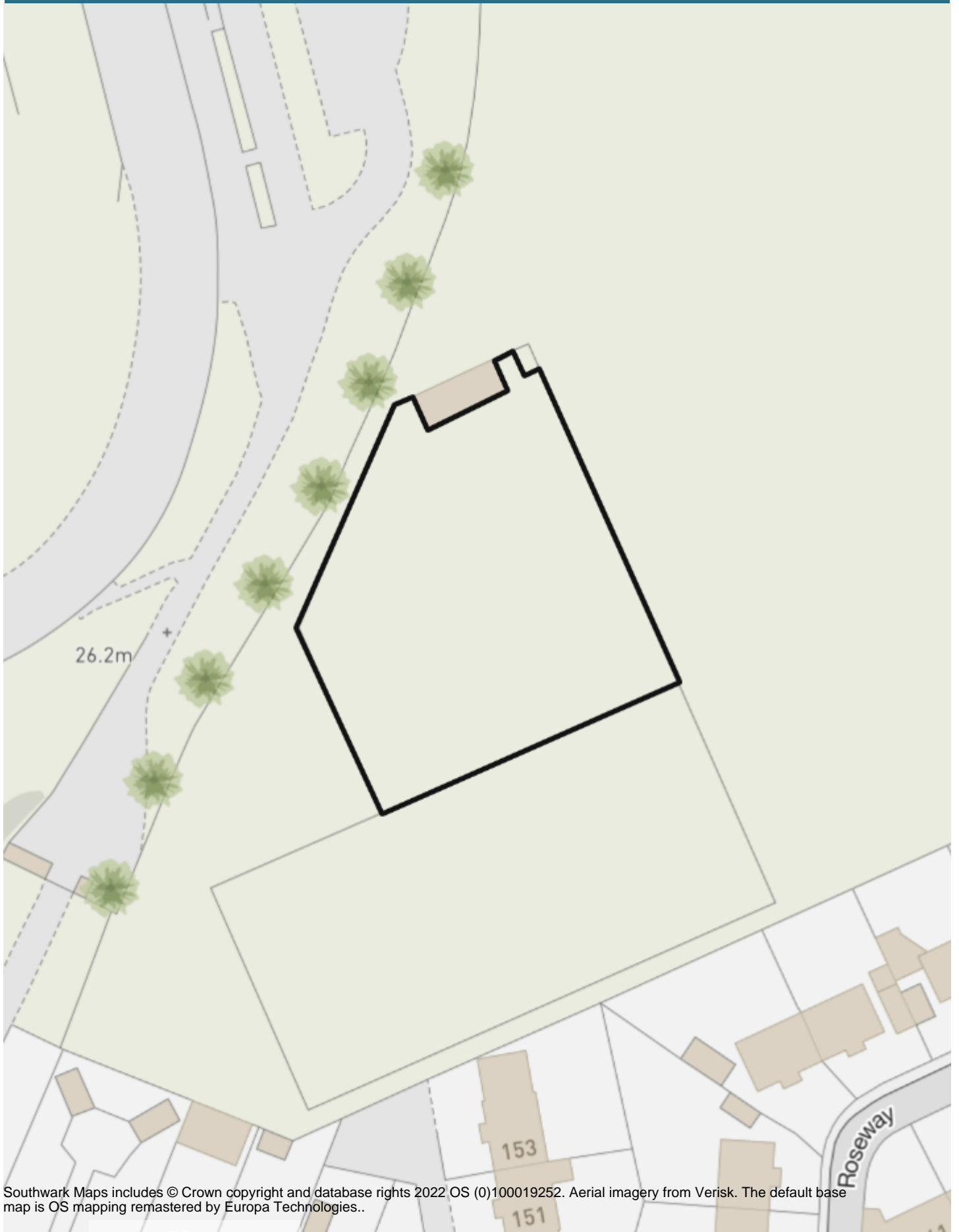
Community Infrastructure Levy Team
Ecology
Environmental Protection
Transport Policy
Urban Forester
Ecology
Parks Department

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

Friends of Russia Dock Woodland



Southwark Maps includes © Crown copyright and database rights 2022 OS (0)100019252. Aerial imagery from Verisk. The default base map is OS mapping remastered by Europa Technologies..



20 m

Contents

Contents	1
BACKGROUND INFORMATION.....	2
Site location and description	2
Details of proposal.....	3
Planning history of the site, and adjoining or nearby sites.....	4
KEY ISSUES FOR CONSIDERATION	4
Summary of main issues	4
Legal context.....	5
Planning policy	5
ASSESSMENT	5
Principle of development on Metropolitan Open Land.....	5
Design and impact upon the character and appearance of Dulwich Village conservation area	6
Mayoral and Borough community infrastructure levy (CIL).....	7
Community impact and equalities assessment	7
Human rights implications	8
Positive and proactive statement.....	8
Positive and proactive engagement: summary table	9
CONCLUSION.....	9
BACKGROUND DOCUMENTS	9
APPENDICES.....	9
AUDIT TRAIL.....	10

Item No. 8.2	Classification: Open	Date: 5 December 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 22/AP/2598 for: Full Planning Application Address: 12 Dulwich Village, Southwark, London, SE21 7AL Proposal: Replacement of bowling green area with construction of 10-bay cricket cage facility.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 09/08/2022		PPA Expiry Date: 31/12/2022	
Earliest Decision Date: 02/11/2022			

RECOMMENDATION

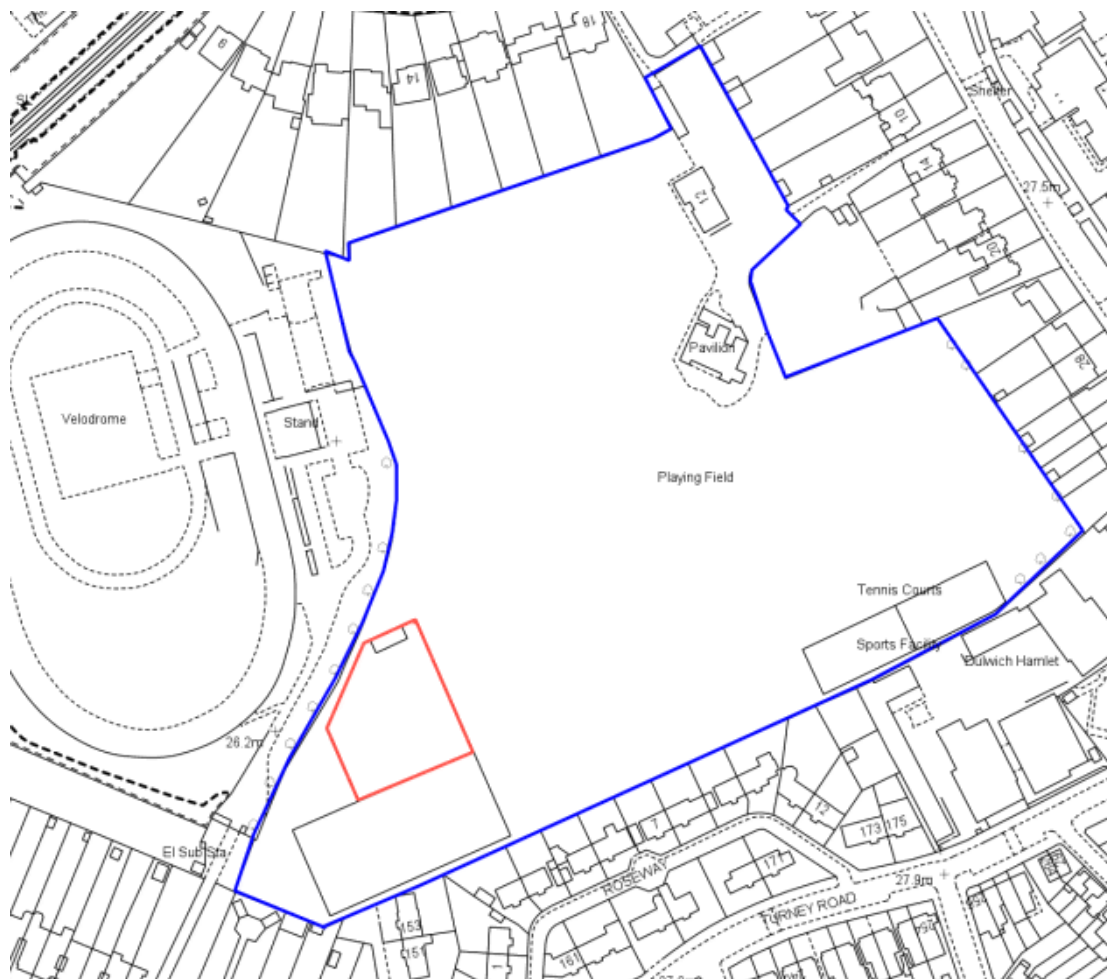
1. That planning permission be granted subject to conditions set out in the report.

BACKGROUND INFORMATION

Site location and description

2. The application site is located within the south-western area of Griffin Sports Club playing fields, an area of approximately 1850sqm (170sqm perimeter). The existing site is designated as Metropolitan Open Land (MOL), which is a clear open space and is identified as a Site of Importance for Nature Conservation. Whilst the club has various sports facilities, the specific site relates to the replacement of the bowling green.

3. Site Location Plan



4. Other site designations include

- Air Quality Management Area (AQMA)
- Area Vision AV07 Dulwich Village
- Metropolitan Open Land (MOL)
- Conservation Area – Dulwich Village
- Dulwich Estate Management Area
- Herne Hill Stadium – Site of Important Nature Conservation
- Smoke Control Zone

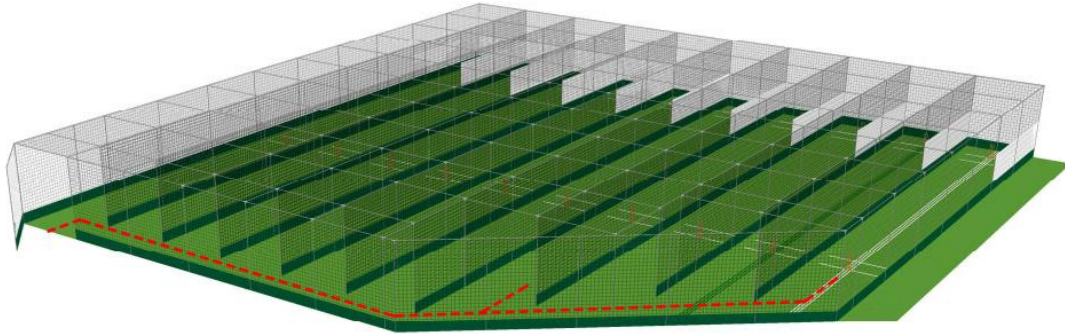
Details of proposal

5. Replacement of bowling green area with construction of 10-bay cricket cage facility.

Other important features

- Maximum height: 4m
- Maximum length: 39m
- Footprint: 170sqm
- Other land owned by applicant, wider site (blue): 42,400 sqm

6. Proposed cricket cages



Consultation responses from members of the public and local groups

7. 2 contributions were received, 1 objection and 1 neutral comment. Summarised below are the material planning considerations raised by members of the public.
8. Objection (1)
 - 10 cricket lane is considered large and excessive
 - Unclear access arrangements
9. Neutral (1)
 - Noise generated has not been assessed
 - Insufficient detail regarding the overall proposal

Planning history of the site, and adjoining or nearby sites.

10. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. This site history is found in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. The main issues to be considered in respect of this application are:
 - Principle of development on Metropolitan Open Land
 - Design and impact upon the character and appearance of the Dulwich Village conservation area
 - Impact of the proposed development on amenity of adjoining occupiers
 - Transport and highways
 - Ecology, biodiversity and landscaping
 - Mayoral and Borough Community Infrastructure Levy
 - Consultation responses and community engagement
 - Equalities impact and human rights

12. These matters are discussed in detail in the ‘Assessment’ section of this report.

Legal context

13. 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 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. 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.
14. 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

15. The statutory development plans for the Borough comprise the London Plan (2021), the Southwark Plan (2022). The National Planning Policy Framework (2021). 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.

ASSESSMENT

Principle of development on Metropolitan Open Land

16. The London Plan (2021) Policy G4 (Open Space) affords Metropolitan Open Land protection from inappropriate development. Furthermore, Policy P57 (Open Space) of the Southwark Plan (2022) states that:

“Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL) unless in exceptional circumstances when:

- 1. It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sports or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or*
- 2. It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or*

3. *It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces”.*

17. Development for the provision of healthy sports facilities would also be supported by policy P45 (Healthy Developments) of the Southwark Plan (2022). The cricket facilities will increase opportunities for healthy sports activities outdoors and promote an active lifestyle for users.

Impact upon openness of MOL

18. The area of existing bowling green would be replaced by cricket lane-cage facilities of the same footprint (1850sqm). The area takes up 4.4% as a percentage of the overall wider MOL which forms part of the Griffin Sports Club. The cricket cages are ancillary equipment required for the outdoor sports and recreation at the sports club, thereby meeting the exceptional circumstance (1) outlined in P57 (Open Spaces) whilst also providing provision for enhanced sports facilities and social–leisure benefits as stipulated in parts (1.3 and 2.0) in policy P45 (Healthy developments) of the Southwark Plan (2022). The development will serve a recreational use for outdoor sports, and would not detract from the openness of the MOL as a significant open space. It is therefore considered that the development meets the requirement of exceptional circumstances and is in principle acceptable.

Design and impact upon the character and appearance of Dulwich Village conservation area

19. The modest size and scale of the cricket cage facility, with it replacing the existing bowling green area of would be considered a discreet addition. The cages would be made of galvanised steel framework with mesh wiring which ensures a strong and durable structure. The large playing field ensures the openness of the Metropolitan Open Land is not impacted harmfully. The location and positioning of houses, due to screening along Burbage Road, Roseway, Turney Road and Dulwich Village, along with the railway viaduct ensures that the installation/construction of the cricket cages would not affect the character and appearance of the Dulwich Village conservation area. The sports facilities are considered to be an acceptable construction in design terms, ensuring no harm to the wider heritage of the area.

Impact of the proposed development on amenity of adjoining occupiers

Sense of enclosure

20. The size and scale of the cricket cage facility and separation distances of 35m to the rear gardens along Roseway and 45m to the rear gardens along Burbage Road, ensures that the facility would not impact neighbours in terms of sense of enclosure.

Noise

21. The cricket cage facility would increase the capacity of players who can use the field during hours of operation and could generate noise pollution that could

detrimentally affect neighbours. To ensure protection of amenity for residents along Roseway and Burbage Road, the Environmental Protection Team have recommended an hours of use condition for the facilities which will be attached to any such permission.

Transport and highways

22. The application site has a PTAL score of 2, which demonstrates below average connectivity to TfL transport services. The proposed cricket facility is unlikely to generate a significant uplift in trip generation. Construction works associated with the cricket cage facility should seek to mitigate the impact on the local highway and wider community by avoiding works movements in the high peak period (08:00-09:00 and 17:00-18:00 and at school drop-off/pick-up times 08:00-09:00 and 15:00-16:00). Given the scale of the development, it is not considered necessary to attach a condition for construction logistics. However an informative is attached stating the aforementioned will be applied to ensure minimum disturbance to local residents.

Ecology, biodiversity and landscaping

23. The application site is located within a Local Site of Importance for Nature Conservation. The existing bowling green has been left to develop into grassland and the proposal incorporates the whole site right up to the grown hedges. This may impact on the flora and fauna using the hedges, and it is recommended these be replanted (translocated) around the perimeter of the facility with a buffer zone of 2m to ensure birds do not get trapped in the nets. Details of this planting is requested through an above grade landscaping condition.

Mayoral and Borough community infrastructure levy (CIL)

24. This is not a CIL liable development.

Community impact and equalities assessment

25. 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.

26. 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.
27. 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

28. 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.
29. This application has the legitimate aim of development. 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.

Positive and proactive statement

30. 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.
31. 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

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?	NO
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	YES

CONCLUSION

32. It is therefore recommended that planning permission be granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents TP/2292-12	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Zaib Khan, Senior Planner	
Version	Final	
Dated	16 November 2022	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Date final report sent to Constitutional Team		21 November 2022

APPENDIX 1**Recommendation**

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Applicant	Mr Sean Keaton London Youth Sports Trust	Reg. Number	22/AP/2598
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	2292-12

Draft of Decision Notice**Planning permission is GRANTED for the following development:**

Replacement of bowling green area with construction of 10-bay cricket cage facility.

12 Dulwich Village London Southwark SE21 7AL

In accordance with application received on 20 July 2022 and Applicant's Drawing Nos.:

Proposed Plans

Plans - Proposed Standard Cricket Layout NSGSG001 Rev-A received 20/07/2022

Plans - Proposed Cage Elevations and Cross Sections NSGSG002 Rev-A received 20/07/2022

Plans - Proposed Three Dimensional Views NSGSG003 received 20/07/2022

Other Documents

Site location plan Site Location Plan received 15/11/2022

Time limit for implementing this permission and the approved plans

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. LANDSCAPING

Before any above grade work hereby authorised begins, detailed drawings of the soft landscaping scheme which shall include the translocation of existing bushes around the bowling green to be replanted around the perimeter of the cricket cages (including a 2m buffer), shall be submitted to and approved in writing by the Local Planning Authority. Should it be demonstrated that translocation of existing bushes is not possible, alternative substitute planting /landscaping is required.

The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season.

Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

4. Hours of use

The use of the cricket cage facility shall not be carried out, outside the hours of:

- 21:00 to 09:00 Monday to Saturday or
- 21:00 to 10:00 on Sunday and Bank/Public Holidays.

Reason:

To safeguard the amenity of neighbouring residential properties in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

Informatives

- 1 Construction works associated with the cricket cage facility should seek to mitigate the impact on the local highway and wider community by avoiding works movements in the high peak period (08:00-09:00 and 17:00-18:00 and at school drop-off/pick-up times 08:00-09:00 and 15:00-16:00)

APPENDIX 2**Relevant Planning Policy****National Planning Policy Framework (NPPF, 2021)**

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and enhancing the historic environment

The London Plan (2021)

- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D14 Noise
- Policy S5 Sports and recreation facilities
- Policy HC1 Heritage conservation and growth
- Policy G4 Open Space
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the Plan and Planning Obligations

Southwark Plan (2022)

- Policy P13 Design of places
- Policy P14 Design quality
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P21 Conservation of the historic environment and natural heritage
- Policy P45 Healthy developments
- Policy P56 Protection of amenity
- Policy P57 Open Space
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

Relevant Planning History

No relevant planning history.

Consultation Undertaken

Site notice date: 11/10/2022

Press notice date: 18/08/2022

Case officer site visit date: n/a

Neighbour consultation letters sent: 17/08/2022

Internal services consulted

Transport Policy

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Flood Risk Management & Urban Drainage

Community Infrastructure Levy Team

Statutory and non-statutory organisations

n/a

Neighbour and local groups consulted:

10 Roseway London Southwark

155 Turney Road London Southwark

2 Roseway London Southwark

159 Turney Road London Southwark

151 Turney Road London Southwark

108 Burbage Road London Southwark

5 Roseway London Southwark

1 Roseway London Southwark

9 Roseway London Southwark

157 Turney Road London Southwark

153 Turney Road London Southwark
8 Roseway London Southwark
7 Roseway London Southwark
6 Roseway London Southwark
4 Roseway London Southwark
3 Roseway London Southwark
11 Roseway London Southwark
102B Burbage Road London Southwark
102A Burbage Road London Southwark
112 Burbage Road London Southwark
110 Burbage Road London Southwark
106 Burbage Road London Southwark
100 Burbage Road London Southwark
116 Burbage Road London Southwark
114 Burbage Road London Southwark

Consultation responses received**Internal services**

Transport Policy

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Community Infrastructure Levy Team

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

6 Roseway Dulwich Dulwich London

4 Roseway LONDON SE21

**PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN)
MUNICIPAL YEAR 2022-23**

NOTE: Original held by Constitutional Team all amendments/queries to Beverley Olamijulo: Email Beverley.olamijulo@southwark.gov.uk

Name	No of copies	Name	No of copies
To all Members of the sub-committee			
Councillor Cleo Soanes (Chair)	1	Environmental Protection Team	By email
Councillor Emily Tester (Vice-chair)	1		
Councillor Esme Hicks	1		
Councillor Emily Hickson	1	Communications	By email
Councillor Adam Hood	1	Louise Neilan, media manager	By email
Councillor Richard Livingstone	1		
Councillor Sandra Rhule	1		
		Total:	13
(Reserves to receive electronic versions only)			
Councillor Sam Dalton		Dated: 24 November 2022	
Councillor Sabina Emmanuel			
Councillor Victoria Mills			
Councillor Charlie Smith			
Councillor Victor Chamberlain			
Officers			
Beverley Olamijulo (spare copies)			
Constitutional Officer, Hub 2 (Second Floor), Tooley Street	3		
Philippa Brown / Affie Demetriou			By email
Alex Gillott /Nagla Stevens, Legal Services, Hub 2 (Second Floor), Tooley Street	1		