

Item No: 8 & 9.1	Classification: Open	Date: 5 July 2022	Meeting Name: Planning Sub Committee A
Report title:		Addendum report Further information	
Ward(s) or groups affected:		Faraday & Dulwich Hill	
From:		Director of Planning and Growth	

PURPOSE

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

RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Additional consultation responses and further clarification from the legal team have been received in respect of the following planning applications on the main agenda:

Item 8 - Tree Preservation Order 645 Confirmation Report - 2 Belvoir Road, London SE22 0QY and land to the east of 2 Belvoir Road, London SE22 0QY

Recent representations

4. Additional comments have been received by the Council from the site owner and their agent concerning the inclusion of the Cedar tree within the order on the basis of risk and TEMPO assessment.
5. The site owner and their agent believes that the new tree added in the TPO (Cypress) creates a risk / safety concern for both no. 2 Belvoir road along with Belvoir lodges at the rear of the site. Part of the tree(s) have fallen creating damage to Belvoir lodges and has then been cut by Belvoir lodge which may create further imbalance.

6. The Council has not received any further submission for works to the TPO trees since the provisional order was issued, save for a notification of exempted works to the large fallen branch on March 7th of this year and following Storm Eunice.
7. The site owners have had ample time in which to submit an application for further works under a TPO application, which is the correct manner to deal with the issue raised, prior to confirmation or not, thereof.
8. Where removal of trees subject to a Tree Preservation Order is consented, there is a duty to replant.
9. As regards the TEMPO or Tree Evaluation Method for Preservation Orders, whilst we do undertake these for all Tree Preservation Orders, they are not necessarily a requirement with regards s.197 of the Act (TCPA 1990).
10. For sites with multiple trees the median values contribute to the overall scoring. Here below, we have a breakdown for the individual trees and groups taken as a combination of Officer site visit values and scoring as provided by the site owner's arboricultural consultant as part of an Arboricultural Impact Assessment.
11. The evaluation of the trees individually, or as a group is as follows and includes the categorisation of trees and condition produced within the Arboricultural Report. Retention span is in keeping with species and, in some cases lowered. This should not be confused with retention span with regards the Cascade chart for BS:5837:2012.
12. For TEMPO: Guidance is thus:
It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the U category criteria set out in Table 1 of BS5837:2012. The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time. Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell.
13. The Arboricultural Association (AA) publishes a guide to the life expectancy of common trees, which includes the following data:
300 years or more Yew, 200-300 Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200 Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150 Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100 Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70 Most poplars, willows, cherries, alders and birches

14. The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive. However, it should assist with determining the overall lifespan of most trees, in light of their current age, health and context as found on inspection.
15. It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning.
16. T1: Pear, Category B1,3: Structural and Physiological Condition: Good. TEMPO Evaluation: Condition: 5, Retention: 2, Visibility: 2, Other Factors: 1, Expediency: 3. Total 13 (TPO Defensible). T2: Lime, Category C1,3: Condition: Fair. TEMPO Evaluation: Condition: 3, Retention: 2, Visibility: 3, Other Factors: 1, Expediency: 3. Total 12 (TPO Defensible). T3: Cypress (T21 of MMA Report) Category C3, Condition: Fair. TEMPO Evaluation: Condition: 3, Retention: 2, Visibility: 3, Other Factors: 1, Expediency: 3. Total 13 (TPO Defensible). Group G1: Lime: Category B1,3/C2,3: Condition: Fair. TEMPO Evaluation: Condition: 3, Retention: 2, Visibility: 3, Other Factors: 4, Expediency: 3. Total 15 (TPO Merited).
17. Overall site score 12 (TPO Defensible).
18. The site owners and their agents are in the process of submitting a planning application. A full planning permission overrides a Tree Preservation Order as works required to implement a permission are excepted. This, Officers consider is suitable protection of rights as it pertains to the planning system, Paragraph 131 of the NPPF, London Plan Policy G7 and Policy P61 of the Southwark Plan 2022. With trees as covered by an order, given material consideration within the Planning System and with due regards to the relevant policies outlined above.

Conclusion of the Director of Planning

19. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that the Order is confirmed, unamended; with the site owner advised to submit an application for works to the trees, or a full planning application, in the usual manner.
20. 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.

Item 9.1: 21/AP/3625 Burgess Park Community Sports Pavilion, Burgess Park Community Sport Ground, 106 Cobourg Road, London, Southwark, SE5 0JB.

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

Recent representations

21. Additional comments have been received since the publication of the report, objecting to the proposed development including additional objection from the Friends of Burgess Park. The material planning considerations raised in these responses reinforce earlier objections which have been addressed in the officer's report. In addition, the comments received raise concern that the information provided at consultation is misleading, as the site notices show the location of the proposed court in the context of the existing site rather than in the context of the approved sport centre redevelopment. Site notices were placed in the surrounding areas of the park showing the red line boundary of the proposed court and development description which referenced that the court is to be provided as part of the new Burgess Park Sports Centre facility. The application reference numbers for the proposed and consented scheme were included on the site notice along with the case officer's contact details. The Ball court Site Plan Reference: DWG801 (available to view on the public register) shows the ball court in the context of the wider site.
22. Comments were raised in relation to the visual impact of the development for park users. The ball court is proposed to be enclosed by black Zaun-type sports fencing, which is less visually intrusive than solid fencing, to retain an open-feel to this area of MOL.
23. In terms of identified need, the ball court would provide sport facilities for those with protected characteristics. The consented sports centre only includes all-weather pitches (AWPs) with surfacing that is not accessible for people in wheelchairs. A hard surfaced ballcourt would be suitable for wheelchair users, in addition to providing a basketball court for people within the black communities. The 'Sport England Sport For All?' Survey confirmed that black adults and children are significantly over-represented in the participation base of basketball relative to their population share, but are under-represented in sports such as tennis. Burgess Park currently contains 6 tennis courts and no basketball courts.
24. Prior to submitting the application, the applicants have confirmed that they undertook consultation with wheelchair sports team members and the London Football Association (FA) Disability officer. The FA supported the opportunity to run Frame Football and powerchair football at the venue, due to a current lack of suitable outdoor venues to run these programmes. Sport England were consulted on and are in support of the ballcourt. Consultation with stakeholders The Friends of Burgess Park and representatives of the basketball teams in Southwark was undertaken at a meeting in May 2021,

however, FOBP are not in favour of the proposal, for the reasons outlined above and addressed in the officer's report.

25. A total of 181 comments have been received on the application including 25 letters of support, 2 neutral comment and 154 letters of objection.

Legal clarification on PSED

26. The Public Sector Equality Duty (PSED) requires the Council to have due regard to the impact of the development on groups with protected characteristics. Clarification should be given on the reference to the PSED in paragraphs 7, 26 and 34 of the report, that the provision of wheelchair accessible court is not a requirement of the PSED. Disability is a protected characteristic. Therefore the provision of a wheelchair accessible court is a positive feature of the scheme as it would provide a facility for disabled persons.

Conclusion of the Director of Planning

27. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions.

REASON FOR LATENESS

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

BACKGROUND DOCUMENTS

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