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Item No. 6.1	Classification: Open	Date: 1 February 2023	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 22/AP/3787 for: Full Planning Application Address: Sydenham Hill Wood And Cox's Walk Development Site, Sydenham Hill, London, SE22 Proposal: The installation of a temporary access service ramp with associated remediation and mitigation for the loss of trees.		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning and Growth		
Application Start Date 2 November 2022		PPA Expiry Date N/A	
Earliest Decision Date			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The area is predominantly ancient woodland known as Sydenham Hill Woods.

Site constraints:

- Dulwich Area Vision
- Conservation Area - Dulwich Wood
- Site of Importance for Nature Conservation (SINC)
- Local Nature Reserve
- Ancient Woodland
- Tree Preservation Order (No. 605)
- Metropolitan Open Land (MOL)
- Critical Drainage Area
- Green Chain Walk (Section 11)

The surrounding area

3. To the north: Cox's Walk (continued, leading to A320 London Rd).

To the east: Sydenham Hill Estate

To the south: Sydenham Hill Wood (continued, leading to Peckarmans Wood/Sydenham Hill roads)

To the west: Dulwich & Sydenham Hill Golf Course

Details of proposal/site context

4. Proposal
The installation of a temporary [period of 5 years] access service ramp with associated remediation and mitigation for the loss of trees.
5. Site context
The application site has been subject to a number of historic applications. The overarching goal of the LBS Highway Structures team is to restore the Cox's walk footbridge. Previous applications requested removal of two oak trees [category A] and received significant public/stakeholder attention objecting to the removals.
6. The application has been revised to address the issues previously raised by stakeholders. The current proposal seeks to install a temporary [construction vehicle/plant] access ramp with removal of arboriculture features [27No. to enable the repair of Cox's Walk footbridge].
7. The footbridge itself will be repaired under separate highways legislation using the statutory powers afforded to the local highway authority, thus falling outside the remit of this planning application.
8. Cox's Walk footbridge is internationally recognised as the location in which French impressionist Camille Pissarro famously painted the view to Lordship Lane station in circa 1871.

Planning history

9. See below/Appendix 3 for any relevant planning history of the application site.

Relevant applications

Ref No.	Description	Decision
20/AP/3632	2 x Mature Oaks - Fell due to damage and obstruction to bridge repair	Refused – Trees in Conservation Area

20/AP/3537	Mature Oaks (T1 & T2) - Fell due to damage and obstruction to work on bridge (Renewal of planning permission 18/AP/4034)	Withdrawn
18/AP/4034	Mature Oaks (T1 & T2) - Fell due to damage and obstruction to work on bridge.	Works Acceptable – No intervention required

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
 - Design, layout, heritage assets and impact on Borough and London views;
 - Landscaping and trees;
 - Ecology and biodiversity;
 - Transport and highways;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Noise and vibration;
 - Water resources and flood risk;
 - Fire safety regulations;
 - Mayoral and borough community infrastructure levy (CIL);
 - Any other matters;
 - Community impact and equalities assessment;
 - Human rights;
 - Carbon concurrent; and
 - Positive and proactive statement.
11. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

12. 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 the London Plan 2021.
13. 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 (the Framework)

14. 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.
15. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
16. The relevant chapters from the Framework are:
 - Chapter 2 Achieving sustainable development
 - Chapter 11 Making effective use of land
 - Chapter 12 Achieving well-designed places
 - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 Conserving and enhancing the natural environment
 - Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

17. 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:
 - Policy D4 Delivering good design
 - Policy D12 Fire safety
 - Policy D14 Noise
 - Policy HC1 Heritage conservation and growth
 - Policy G3 Metropolitan Open Land
 - Policy G4 Open space
 - Policy G6 Biodiversity and access to nature
 - Policy G7 Trees and woodlands
 - Policy SI 12 Flood risk management

Southwark Plan 2022

18. 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:
 - P14 Design quality

- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P51 Walking
- P56 Protection of amenity
- P57 Open space
- P60 Biodiversity
- P61 Trees
- P68 Reducing food risk

Area based AAPs or SPDs

19. Of relevance in the consideration of this application are:

- Heritage SPD (2021)

Assessment

Principle of the proposed development in terms of land use

20. The principle of the development is acceptable, there is no material change of use proposed within the submission.

Design, layout, heritage assets and impact on Borough and London views

Design & Layout

21. The design and layout of the proposed temporary ramp are minimal. The ramp is at ground level and will comprise of two parts:

1. below grade structure (geocell),
2. above grade aggregate to form the surface of the ramp upon the geocell.

22. Considering the proposal is solely at ground level and materials are sympathetic and subordinate to their surroundings, it is considered the proposal is acceptable in design & layout terms. Further details can be viewed in the submitted plans.

Heritage Assets

23. It is acknowledged the site lies within the Dulwich Wood conservation area. The overriding attribute of the character of the Dulwich Wood Conservation area is its open and verdant character along with the prevalence of mature landscaping found both in the street scene and within the public parks and woodlands.

24. The proposed work results in moderately adverse impacts upon the character of the conservation area. This is ameliorated by the presence of adjacent dense tree coverage and proposed mitigation plan. As such, the works are considered acceptable in terms of effect upon Dulwich Wood conservation area. Further

review on heritage implications is provided within the Planning Statement (pg. 18). It is worth noting the design and conservation team (internal consultee) raised no issue on heritage grounds.

Borough & London Views:

25. The proposal is for ground level ramp, as such no impact on established borough/London views anticipated.
26. Overall the proposal is acceptable in regards to design, layout, heritage and views.

Landscaping and trees

27. Landscaping and trees along with ecology and biodiversity (discussed separately) are two primary material considerations considering the spatial planning designations of: TPO Zone 605, Metropolitan Open Land (MOL), ancient woodland and as a Site of Importance of Nature Conservation (SINC).
28. The proposal seeks to remove 27No. arboricultural features to facilitate the development. Arboricultural features are not exclusively trees, they also include shrubs, vines, and other perennial woody plants. Nine trees are to be removed, including two category B trees, six category C trees, and one category U tree.
29. In terms of landscaping & trees the applicant has submitted plans accompanied with an arboricultural impact assessment (AIA) and ecological impact assessment (EclA). Multiple stakeholders (both internal and external) were consulted in regards to environmental impacts, these include: Natural England (external), London Wildlife Trust (external), LBS Urban Forestry (internal) and LBS Ecology (internal).
30. None of whom raised an objection in principle to the proposed development (further detail available in the consultee comments section below). The London Wildlife Trust, along with the Urban Forestry team requested a construction environmental management plan (CEMP) which can be secured by condition. As well as the CEMP, a Remediation Strategy was requested 28 days prior to the complement of works, this can also be secured via condition.
31. Looking at the overarching National Planning Policy Framework (2021) paragraph 180 c) stipulates “Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [63] and a suitable compensation strategy exists”.
32. [63] - For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

33. The AIA states (pg.24): “Due to the increased light availability to the woodland floor following access facilitation tree removal, it is likely that the area proposed as a site access and storage area will see the establishment of self-set saplings in the near future. This will aid in the restoration of the area cleared during works.”
34. The CEMP states (pg.38): “All arisings from vegetation clearance notably (logs and brash) will be retained and used to form habitat piles nearby, at a location to be agreed with London Wildlife Trust. These habitat piles will increase the deadwood resource available and provide opportunities for invertebrates and would comply with employing a sustainable approach to development.”
35. From the above, although the development will result in a loss of ancient woodland it will enable the repair of the existing footbridge infrastructure and therefore will likely reduce the issues associated with soil compression and habitat destruction caused by walkers detouring due to the closed footbridge, thereby preserving the long term health of site and providing material public benefit. The submission has provided the necessary steps within the AIA and CEMP to enable mitigations for the trees being removed, and protection for those being retained. It is considered the proposal is compliant with the NPPF (2021), London Plan (2021) and Southwark Plan (2022).
36. The proposal is therefore acceptable in arboricultural terms.

Ecology and biodiversity

37. Similarly to the consultees required for the ‘landscaping & trees’ section. Multiple stakeholders were contacted in relation to ecology & biodiversity. The removal of 27No. arboricultural features will likely have a negative effect upon the local ecology and biodiversity, however the applicant has provided an ecological impact assessment (EclA) outlining a mitigation strategy for this loss.
38. The LBS ecologist stated “I have reviewed this application with regards to ecology. The EclA is good no further surveys are required. The CEMP will be required before works commence. This should be conditioned. Ecological mitigation proposed for the CEMP are fine. The proposal includes installing 15 bird/bat boxes to mitigate the removal of trees”. The bat/bird boxes will be secured by condition.
39. Therefore to enable compliance with biodiversity policies of the NPPF (2021), London Plan (2021) and Southwark Plan (2022) it is recommended a condition is applied to secure the provision of bird/bat boxes as outlined within the Ecological Impact Assessment, as well as the aforementioned CEMP.
40. Considering the above, the proposal is acceptable in ecology and biodiversity terms.

Transport and highways

41. It is worth noting the site lies within the Green Chain walking route (section 11). The Green chain is one of the seven routes that comprise the Walk London Network (TfL scheme) - one of the largest walking networks of any city in the world.
42. From examining the map for section 11 the route shows a crossing over Cox's Walk footbridge. However since the bridge has been closed this has not been possible and local walkers have had to divert along a longer route within the forest to complete the trail. The provision of a temporary access ramp would enable the repair of the footbridge and the reinstatement of the intended Green Chain route.
43. The transport policy team (TRA) were consulted, they requested provision of a construction environmental management plan (CEMP) since the site abuts a busy road (S. Circular – A205) under the ownership of Transport for London (TfL). A CEMP was also requested from the London Wildlife Trust and the LBS Urban Forestry team, it is recommended this is secured through a pre-commencement condition.
44. Highways are to liaise with TfL outside the planning system to secure access arrangements at the northern tip of the site from the South Circular (A205). This will be attached as an informative.

The proposal is acceptable with regards to transport and highways.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

Privacy:

45. There will be no privacy impacts with proposed development, the nearest residential buildings are located outside of the boundary of Cox's Walk.

Sunlight/daylight:

46. The proposal is for a ground level ramp, as such there are no material sunlight/daylight effects anticipated.

Openness/outlook:

47. Similarly to the above the proposal is not considered to raise any detrimental issues with regards to effect on neighbouring openness/outlook.
48. The proposal is acceptable in neighbouring amenity terms.

Noise and vibration

49. The proposed ramp itself does not raise any concerns in terms of noise/vibration however temporary construction traffic does have the potential to generate noise

pollution. It is unlikely the works will cause significant detrimental residential disturbance considering the distance to the nearest residential buildings, however noise pollution can also effect the local ecosystem.

50. Therefore a The CEMP (as previously discussed) will aim to mitigate any ongoing harmful noise pollution generated by construction traffic.
51. The proposal is therefore acceptable in noise and vibration terms.

Water resources and flood risk

52. A flood risk assessment has not been provided as part of the application. The site lies within a critical drainage area, however considering the proposal comprises porous geocell and aggregate it is not anticipated there will be any net change in flood risk conditions.
53. Thus the proposal is acceptable in flood risk terms.

Fire safety regulations

Policy D12 (A) of the London Plan (2021)

54. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).

Summary of Information Contained in Planning Fire Safety Strategy

Author: Anthony Davis, Structures Manager, Highways Maintenance
Date prepared: 17 January 2023.

Fire safety (London Plan D12a, 2021)

In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) Identify a suitably positioned unobstructed outside space:
 - for fire appliances to be positioned on
 - appropriate for use as an evacuation assembly point

The contractor will adhere to the Fire Safety procedures as outlined in the attached 'Fire and Emergency Plan' document. The Emergency Services will assign the most appropriate location along the existing access path, as used by the contractor's plant and machinery.

2) Are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

The details are fully covered in the 'Fire and Emergency Plan' document

3) Are constructed in an appropriate way to minimise the risk of fire spread

The details are fully covered in the 'Fire and Emergency Plan' document.

4) Provide suitable and convenient means of escape, and associated evacuation strategy for all building users

The details are fully covered in the 'Fire and Emergency Plan' document.

5) Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.

The details are fully covered in the 'Fire and Emergency Plan' document.

6) Provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The details are fully covered in the 'Fire and Emergency Plan' document.

[Fire and Emergency Plan uploaded to public register/document management system]

Mayoral and borough community infrastructure levy (CIL)

55. The scheme is not CIL liable.

Any other matters

Metropolitan Open Land (MOL)

56. The overarching aim of both national and local planning policy is to prevent any development on metropolitan open land bar for exceptional circumstances. This was briefly covered in the section 'landscaping & trees' but will be expanded upon with regards MOL and London/local planning policy.
57. The London Plan (2021) Policy G3 [Metropolitan Open Land] states: "Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt: 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. 2) boroughs should work with partners to enhance the quality and range of uses of MOL.
58. Paragraph 8.3.4 of the London Plan (2021) states: "Proposals to enhance access to MOL and to improve poorer quality areas such that they provide a wider range of benefits for Londoners that are appropriate within MOL will be encouraged".
59. The Southwark Plan (2022) Policy P57 [Open Space] states: Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land

(BOL). In exceptional circumstances development may be permitted on MOL or BOL when: 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.

60. Upon reflection, it is considered that the proposal will enhance the quality of the MOL preserving the long term health of site and providing material public benefit. The temporary ramp provision for the repair of the footbridge will ultimately result in enhanced accessibility and will enable the restoration of a key undesignated heritage asset. The proposal will not materially detract from the openness/character of the MOL since it is a temporary ramp constructed at ground level. Further to the above, the borough [Highways Structures Team] has worked with local partners to produce an amicable submission – in line with London Plan Policy G3 (2021). As such it is considered the proposal constitutes an acceptable development on MOL.

Conflict with Local Plan

61. It is acknowledged the proposal somewhat conflicts with the local plan in that it is development within ancient woodland and metropolitan open land. Therefore in accordance with the council's constitution the application must be brought before planning committee for decision.

Alternate location suggested by London Wildlife Trust in consultee comments

62. The applicant undertook pre-application discussions with the London Wildlife Trust and the alternative location was not suggested at this stage. This application has been assessed on its own merits and has found to be acceptable in planning terms – the alternate location has not been considered in this report.

Nesting season

63. Due to the impending nesting season it is imperative that the works are commenced promptly, should permission be granted. Instead of recommending conditions as pre-compliance the highways department has provided the required information ahead of determination (e.g. CEMP and bird/batbox proposed locations). Therefore they will be attached as compliance conditions instead.

Public consultation

64. Due to the constraints of the site the usual method of consultation (neighbour letters) was not possible. In order to meet the required publicity requirements six site notices were placed on areas of high footfall in and around the site boundary. Consultation ran from 5 November 2022 – 28 December 2022 thus considerably longer than the statutory three week period. Locations of the site notices at the park access/egress points can be viewed on the public register.

65. It is also worth noting, prior to the planning submission the Highways Structures team ran a public consultation with over 150 stakeholders to ensure the submission was satisfactory prior to submitting the full application.

Consultation responses, and how the application addresses the concerns raised

Consultation responses from members of the public

66. Summarised below are the material planning considerations raised by members of the public.

67. Two objections received.

Material issues raised:

- Effect on local ecology.
- Conflict with local plan.

Officer Comment:

Discussed in report.

68. These matters are addressed comprehensively in the relevant preceding parts of this report.

Consultation responses from consultees

69. Summarised below are the material planning considerations raised by internal and divisional consultees, all material matters raised by consultees are covered in the main body of the report.

70. LBS Transport (TRA) - CEMP: A CEMP will be required to be approved prior to a start of any works. This is due to construction site access being located in a highly sensitive location.

71. LBS Ecology (ECOLOG) - I have reviewed this application with regards to ecology. The EclA is good, no further surveys are required. The CEMP will be required before works commence. This should be conditioned. Ecological mitigation proposed for the CEMP are fine. The proposal includes installing 15 bird/bat boxes to mitigate the removal of trees. I advise condition PC39 – bird/bat boxes.

72. LBS Parks (PARKS) - No objection received.

73. LBS Urban Forester (URBA) – “The Site predominantly comprises a semi-mature, broad-leaved woodland, containing oak *Quercus robur* and ash *Fraxinus excelsior*, sycamore *Acer pseudoplatanus*, hornbeam *Carpinus betulus*, elder *Sambucus nigra*, holly *Hedera helix*, beech *Fagus sylvatica* and horse chestnut *Aesculus hippocastanum* trees. The understory is made up of common nettle *Urtica dioica*, bramble *Rubus fruticosus*, common mallow *Malva sylvestris*, garlic mustard *Alliaria petiolata*, herb-Robert *Geranium robertianum* and greater burdock *Arctium lappa*.”

74. The area of woodland to the south of the footbridge is classified as ancient woodland with the same composition of species as above, however ancient woodland indicator species wood anemone *Anemone nemorosa* was observed in this area.
75. Climbed inspections of trees to be felled and adjacent to ramp creation (T14, T15, T16, T22 and T23) were undertaken in October 2022. All trees to be felled (T22 and T23) were deemed to support negligible suitability for bat roosts. Trees adjacent the working area were noted as having bat roost suitability, notably T14. The CEMP will include measures to minimise the risk of disturbance to potential bat roosts in retained trees.
76. A total of 22 individual trees and one woodland were recorded as part of the tree survey. Of these arboricultural features five were awarded a high A grade, six a moderate B grade and 11 were awarded a low C grade. The remaining one was awarded a very low U grade.
77. Approximately 27 arboricultural features will be removed to facilitate the Development. Of these, two were awarded a moderate category B grade, approximately 23 were awarded a low C grade. A further two U grade trees will be removed for reasons of sound arboricultural management.
78. The clearance of any dense / tall areas of vegetation will be in two stages. Firstly, the vegetation would be cut to a minimum height of 300mm using hand tools, and arisings removed. Following a check of the ground layer by an Ecological Clerk of Works (ECoW) the vegetation would be removed to stump/ ground level.
79. Clearance works would be undertaken outside of the hibernation period (April to October, whilst), and within suitable weather conditions with temperatures between 9C and 18C with little wind and no rain.
80. All arisings from vegetation clearance notably (logs and brash) will be retained and used to form habitat piles nearby, at a location to be agreed with London Wildlife Trust. These habitat piles will increase the deadwood resource available and provide opportunities for invertebrates and would comply with employing a sustainable approach to development.
81. Mitigation measures would need to be adhered to during preparation and construction activities to minimise any accidental impacts or indirect impacts such as increased noise, vibration, lighting, dust arisings, surface run-off and disturbance.
82. Good practice measures should be documented within a Construction Environmental Management Plan (CEMP).
83. A construction environmental management plan (CEMP) should be produced prior to determination to avoid this being a reserved matter for pre-

commencement and implemented to allow the Proposed Development to be constructed whilst minimising the impacts on any retained habitats on Site and within the local area.

84. Measures that the consultant ecologist has identified as needing to be incorporated within the CEMP comprise:
- The contractor will ensure that all those working on the site are aware of their obligations in relation to ecological legislation;
 - The use of British Standards Best Practice Guidelines to reduce disturbance resulting from noise, surface run-off, vibration and night lighting during construction works;
 - Careful siting and appropriate bunding of storage facilities for fuel and hazardous materials;
 - Delivery of oils and fuels to be supervised at all times;
 - Dust build up to be avoided and stockpiled material to be covered or stored within a contained area to enable run-off to be treated;
 - Use of drip trays when filling smaller containers from tanks or drums to avoid spillage entering the ground or drainage systems;
 - Works to be undertaken during daylight hours only;
 - The protection of retained trees. Any trees to be retained within or immediately adjacent to the development plot locations should be appropriately protected in accordance with BS 5837:2012 - "Trees in relation to design, demolition and construction - Recommendations", as outlined in the arboricultural impact assessment.
 - Use of appropriate fencing, such as hoarding, to protect any other retained habitats on Site and within the local area.
 - In the unlikely event that roosting bats are discovered during the course of works, all works should immediately cease, and an ecologist notified for further advice. Further consultation would then likely be required with Natural England, together with the submission and granting of an EPS Mitigation Licence by Natural England to allow works to proceed.

Conclusion

85. A CEMP should be submitted, prior to determination, to avoid the necessity of a pre commencement planning condition. This should include details of the appointed arboriculturalist and ecological clerk of works, a tree protection plan, a ground (spillage) protection plan and timings to include for the phased and supervised removal of dense vegetation to 300mm, (January - March 2023) followed by further clearance to ground level (earliest April 2023) in accordance with the findings of the ecological impact assessment.
86. Subject to the above being registered as an approved document prior to determination, a compliance condition for the CEMP, plus a schedule of site supervision together with a conditioned remediation strategy, both within 28 days prior to completion of all works shall be submitted to, and approved by the LPA; including details of all tree planting within the application site red line, plus the blue line boundary, totalling 362cm stem girth, plus ground and shrub layer

planting, should allow for these works to be acceptable in planning terms.”

87. LBS Design & Conservation (CONS) - NO COMMENT. Application to be determined in accordance with the council's adopted policy. The principle considerations here are the arboriculture implications of the proposal.
88. London Wildlife Trust (LWT) – “The Trust has managed Sydenham Hill Wood, in which this access ramp is proposed to be constructed, since 1982. The Wood is designated as part of a Site of Metropolitan Importance for Nature Conservation, and lies within the Dulwich Wood Conservation Area. The part of the Wood over which Cox’s Walk passes on the footbridge is also designated as a statutory Local Nature Reserve under s21 of the National Parks & Access to the Countryside Act 1949.

Whilst we recognise the footbridge is owned and managed by Southwark Council, the trees stand in land managed by the Trust. We objected to a previous application to fell two oak trees (application 18/AP/4034) in January 2019, and again in 2020 (application 20/AP/3632). We supported the application to apply a Tree Preservation order covering Sydenham Hill & Dulwich Woods (TPO 605, 2021).

89. The Trust supports the long-standing plans to repair Cox’s Walk footbridge, and our previous objections were primarily based on the earlier applications’ impacts on the two oak trees. That said, we were mindful of the fact that closing the bridge (as proposed repair works could not proceed) would result in damage to the woodland as visitors would create new paths to complete their habit of undertaking circular or figure-of-eight walks around the Wood. We have expressed this during the campaign to save the two oaks over 2019-21, in statements on our website, and in liaison with Council officers and other stakeholders. Since the bridge’s closure in January 2020, the woodland has indeed suffered from the effects of trampling and paths being widened and created, as anticipated. Whilst some of this was compounded by the urge for people to exercise locally during lockdowns in 2020 and 2021, we believe the footbridge’s closure has had a significant adverse impact upon Sydenham Hill Wood, and this is already proving costly to repair or mitigate.
90. Officers from Highways have been proactive this year in seeking our comments on what is now set out in this application. We have welcomed this, particularly in light of the fact that a different approach is being adopted to repair the footbridge and retain the two oaks. We also wish to see works progress so that the footbridge can reopen as soon as possible in 2023.

Ecological impacts

91. We welcome the fact that the ecological importance of both Sydenham Hill Wood and Cox’s Walk is now recognised in this application, and has informed some of the design principles, as we have argued for since 2019. The *Ecological Impact Assessment* is mostly sound, and we support its recommendations, although we remain curious as to why the surveyors didn’t contact the Trust when accessing

the site or reference our management of the Wood. The presence of sweet woodruff, an ancient woodland indicator plant, close to the footbridge, might then have been noted, if not recorded on the surveyors' site visit in June.[1]

We acknowledge the proposed loss of 25+ trees; on the whole these are mostly young and whilst of no particular intrinsic ecological importance, their loss and that of other vegetation cleared to lay the ramp, does need to be mitigated. We endorse the comment in the *Arboricultural Impact Assessment & Method Statement* that the proposed works “*will not have a significant long-term negative impact on the tree stock within Sydenham Hill Wood, provided that the recommendations contained in this report are followed*” (para 12.1, our emphasis).[2]

We have recommended that this loss is better mitigated by off-site planting, such as at the nearby Sydenham Hill Estate.

However, we also believe a less damaging route is also possible. We note that the location and route of the ramp is set further back than originally planned. From the location map it appears to enter the Wood from Cox's Walk at about 35 metres distance north from the footbridge.[3] However, at about 52 metres distance north from the footbridge there is already a breach in the fencing (from previous windblown tree, see image below), and the incline from this to the trackbed appears to be less steep than that proposed; having walked this, whilst a longer ramp we believe this is less damaging in terms of trees lost and vegetation to be cleared.

Conclusion

92. We believe this proposal will help the repair of the footbridge to proceed, and whilst this will result in the loss of a number of trees, we recommend it should be permitted. The proposed mitigation for the loss of trees, together with the belief that once the footbridge is reopened it will relieve some of the visitor pressure in parts of the Wood allowing them to recover, support our position on this admittedly controversial project.
93. If the council is minded to permit this proposal, then the following measures should be implemented as a condition:
 1. Submission of a construction environmental management plan that shows, amongst other matters:
 - Issues of timing of vegetation clearance and disturbance re bird breeding.
 - How vegetation, and soils within the Sydenham Hill Wood are protected from compaction, digging out, and made good, etc as part of the ramp works, and how any unavoidable damage is effectively mitigated;
 - How other trees within Cox's Walk and around the bridge are protected from damage

- How appearance of protected species on site will be protected from harm;
 - The recommendations set out in para 5.25 of the *Ecological Impact Assessment* (Waterman Infrastructure & Environment Ltd, November 2022) should be implemented in full.
2. Ensuring that a qualified arborist (or council tree officer) is appointed as a Clerk of Works during the vegetation clearance, and that they liaise with the Trust's officer at Sydenham Hill Wood whilst this takes place;
 3. Following clearance of vegetation, that the appointed contractor liaises with the Trust's officer at Sydenham Hill Wood on at least a weekly basis until works are completed;
 4. New tree planting in the Sydenham Hill Estate is designed in liaison with the Council's Tree Officer so that their future aftercare can be secured."
94. Trustees of the Dulwich Estate (DEG) - No comments received.
95. The Dulwich Society (DULSOC) - No comments received.
96. LB Lambeth (LAMBE) - No objections.
97. LB Lewisham (LEW) - No comments received.
98. Natural England (NATENG) - NO OBJECTION. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A (see DMS).
99. Transport for London (TFL1) - Comments not received - matter discussed in transport and highways section of report.
100. These matters are addressed comprehensively in the relevant preceding parts of this report.

Community impact and equalities assessment

101. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
102. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
103. 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
 - 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
- 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.

104. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

105. The application has been considered in line with the council's obligations under the PSED and no conflict with the legislation has been identified.

Human rights implications

106. 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.

107. This application has the legitimate aim of providing planning permission. 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

108. N/A - Application is for a temporary ramp to enable repair of footbridge, as such it is not considered appropriate relative to the scale/duration of the development to request an energy statement.

Positive and proactive statement

109. The council has published its development plan 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.
110. 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 – pre-app service not used however internal discussion between planning and highways took place prior to submission.
If the pre-application service was used for this application, was the advice given followed?	Yes
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 statutory determination date?	No – case is required to be considered by committee.

Conclusion

111. The proposal demonstrates conformity with the principles of sustainable development. It complies with current policy, respects the amenity of neighbouring properties and is of good design. Accordingly, it is recommended that planning permission be granted.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policies
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Sean Gomes, Graduate Planning Officer (Applications Team)	
Version	Final	
Dated	18 January 2023	
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		19 January 2023

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 Anthony Davis LB Southwark	Reg. Number	22/AP/3787
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	2345-J

Draft of Decision Notice

Planning permission is GRANTED for the following development:

The installation of a temporary access service ramp with associated remediation and mitigation for the loss of trees.

Sydenham Hill Wood And Coxs Walk Development Site Sydenham Hill London Southwark

In accordance with application received on 1 November 2022 and Applicant's Drawing Nos.:

PLANTING DETAILS 16887-126-WIE-ZZ-XX-DR-L-741001-P01 received 01/11/2022

PROPOSED CONTOURS, CHAINAGES AND LONG SECTION 16887-126-145-WIE-ZZ-XX-DR-C-95001-P02 received 01/11/2022

PROPOSED CROSS SECTIONS 16887-126-145-WIE-ZZ-XX-DR-C-95002-P02 received 01/11/2022

TYPICAL LONGITUDINAL SECTION AND CROSS SECTION 16887-126-WIE-ZZ-XX-DR-C-97001-P01 received 01/11/2022

ACCESS ROUTES LOCATION PLAN 16887-126-WIE-ZZ-XX-DR-C-97000-SHEET3-P03 received 13/01/2023

PROPOSED BAT AND BIRD BOXES 16887-126-WIE-ZZ-XX-DR-C-78101-P01 received 13/01/2023

ZOOMED LOCATION PLAN 16887-126-WIE-ZZ-XX-DR-C-97000-SHEET2-P03 received 13/01/2023

PLANNING, HERITAGE AND DESIGN AND ACCESS STATEMENT LSW5020P received 01/11/2022

ECOLOGICAL IMPACT ASSESSMENT NOV. 22 WIE16887-133-R-1-2-5-ECIA received 15/11/2022

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN WIE16887-137-R--CEMP received 01/01/2003

AIA AMENDED NUMBERING WIE16887-126-R--AIA received 13/01/2023

Time limit for implementing this permission and the approved plans

2. Temporary Permission

The temporary ramp hereby permitted shall not be in use after 5 years past the date of the issued permission, on or before which date, the site will be remediated and returned to nature.

Reason

The type of structure is not such as the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and the of structure proposed amenity in accordance with the National Planning Policy Framework (2021) and P14 Design quality, P13 Design of places, P14 Design Quality, P20 Conservation areas, P21 Conservation of the historic environment and natural heritage and P57 Open space of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

3. 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.

Reason:

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

4. Bird/Bat Boxes

Part 1. Prior to the commencement of works hereby permitted no less than 15No. nesting boxes / bricks (5No. bat box & 10No. bird box) shall be installed to trees within the specified regions on the approved plan titled "proposed bat and bird boxes" (dwg no. 16887-126-WIE-ZZ-XX-DR-C-78101, REV.P01).

Part 2. Prior to the first use of the temporary ramp hereby permitted, a post completion assessment (including detailed mapped locations of the installed units) will be required to confirm the nest/roost features have been installed to the agreed specification (outlined in Part 1) and shall be submitted to Southwark council for approval.

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).

5. Site Supervision

Part 1: All Ecological and Arboricultural Supervisory elements to be undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) for this site, as evidenced through signed sheets and photographs.

Part 2: The completed schedule of site supervision and monitoring of the ecological and arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the site protection throughout construction by the retained or pre-appointed ecology and tree specialists.

In any event, all works, including timing and undertaking of said works, to comply with the recommendations and guidance as set out in the approved CEMP.

Reason:

To avoid damage to the existing trees and nature of the site 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 Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

6. Remediation Strategy

A remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority, within 28 days prior to completion of use, OR 3 years from date of implementation, whichever is soonest, for approval in writing. This should include details of all tree planting within the application site red line, plus the blue line boundary, totalling 362cm stem girth, plus

ground and shrub layer planting and any soil amelioration, where needed.

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework (2021); P67 Reducing water use, P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances of the Southwark Plan (2022). And that the nature of the site which represents an important visual amenity in the area is preserved, or otherwise enhanced, 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 Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

Informatives

- 1 Access/Egress from TfL adopted road-

Highways are to liaise with TfL outside the planning system to secure access arrangements at the northern tip of the site from the S.Circular (A205).

Relevant Planning Policies

National Planning Policy Framework 2021

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 12 Flood risk management

Southwark Plan 2022

- P14 Design quality
- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P51 Walking

- P56 Protection of amenity
- P57 Open space
- P60 Biodiversity
- P61 Trees
- P68 Reducing food risk

APPENDIX 3

Relevant planning history

Reference and Proposal	Status
18/AP/4034 Mature Oaks (T1 & T2) - Fell due to damage and obstruction to work on bridge.	11/01/2019
20/AP/3537 Mature Oaks (T1 & T2) - Fell due to damage and obstruction to work on bridge (Renewal of planning permission 18/AP/4034)	Application withdrawn 07/12/2020
20/AP/3632 2 x Mature Oaks - Fell due to damage and obstruction to bridge repair	REFUSED - Trees in a Conservation Area 19/01/2021

Consultation undertaken

Site notice date: 05/12/2022

Press notice date: 10/11/2022

Case officer site visit date: 16/11/22, 05/12/22 & 17/01/23

Neighbour consultation letters sent: N/A

Internal services consulted

Transport Policy

Ecology

Urban Forester

Design and Conservation Team [Formal]

Statutory and non-statutory organisations

Transport for London

London Wildlife Trust

Natural England - London & South East Re

Neighbour and local groups consulted:

Re-consultation:

Consultation responses received

Internal services

Transport Policy

Ecology

Urban Forester

Design and Conservation Team [Formal]

Statutory and non-statutory organisations

London Wildlife Trust

Natural England - London & South East Re

Neighbour and local groups consulted:

22 Stanley Avenue Queenborough ME11 5DT

85 Burford Road London SE6 4DD

London Wildlife Trust, Dean Bradley House 52 Horseferry Road London