

Planning Sub-Committee A

Monday 26 March 2018
7.00 pm
Ground Floor Meeting Room G02 - 160 Tooley Street,
London SE1 2QH

Supplemental Agenda No. 1

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Tabled items – the reasons for urgency and lateness are contained within the report.

Item No: 5 & 7.1	Classification: Open	Date: 26 March 2018	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		Grange & The Lane	
From:		Director of Planning	

PURPOSE

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

RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

LATE ITEM 5 – Application 16/AP/2051 - Full Planning Permission – 38-44 RYE LANE, LONDON, SE15 5BY

4. This late item relates to application ref. no. 16/AP/2051. The application was approved pending a legal agreement by members of sub-committee B on 13 December 2017 (see attachment 1). The resolution to grant allowed the Director of Planning to refuse planning permission if the legal agreement was not signed by 31 March 2018. The legal agreement is progressing but will not be ready to sign on 31 March 2018.
5. Members are therefore requested to agree an extension of three months so that the applicant and the Council would have until 30 June 2018 to sign the legal agreement for planning permission to be issued.

Item 7.1 – Application 17/AP/4796 for: Full Planning Permission – 15 BLUELION PLACE, LONDON, SE1 4PU

Consultation Response

6. A consultation response was received from a daylight/sunlight agent acting on behalf of residents of Blue Lion Place. The response states the daylight/sunlight assessment is inaccurate and their assessment demonstrates the actual impact. The consultation response is attached.
7. Following the consultation response the daylight/sunlight agent has provided a rebuttal. It states that the resident's daylight/sunlight assessment is not based on

measured surveys but on assumed measurements. It reconfirms the original findings of the daylight/sunlight assessment. This has been made available to the public and members offering a response to the comments raised. The rebuttal is attached.

REASON FOR URGENCY

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

REASON FOR LATENESS

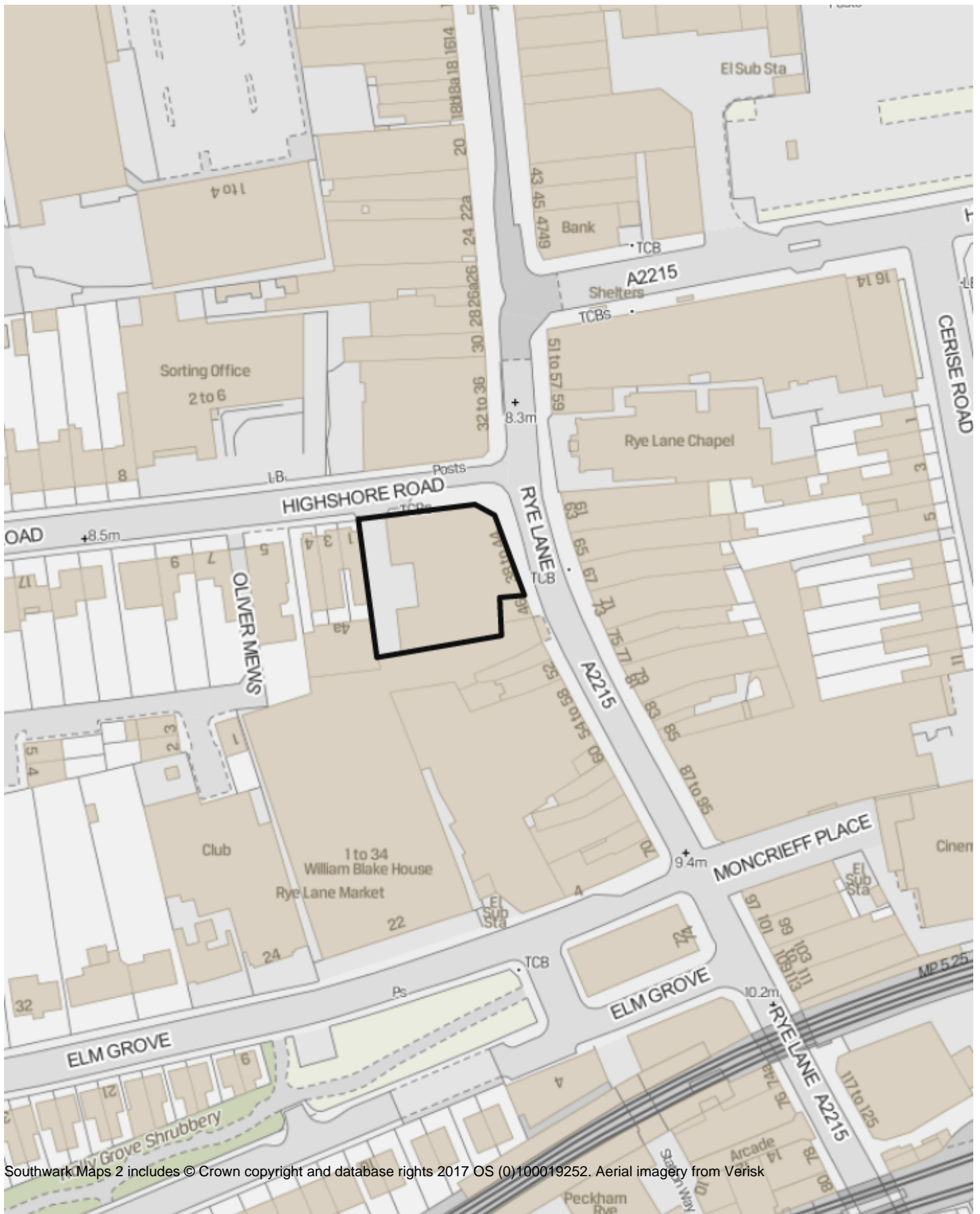
5. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Planning sub-committee B report, item 7.1 dated 13 December 2017
Appendix 2	Minutes of Planning sub-committee B
Appendix 3	Neighbours Comment
Appendix 4	Response for Agent



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Item No. 7.1	Classification: Open	Date: 13 December 2017	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/2051 for: Full Planning Application Address: 38-44 RYE LANE, LONDON, SE15 5BY Proposal: Refurbishment and extension of existing building, including additional floors above ground floor, ranging in height from three to six storeys, to provide 716 SqM of retail space (use class A1) and 27 residential dwelling (use class C3) (2 x studios, 4 x one bed flats, 17 x 2 bed flats, and 4 x three bed flats), landscaping, associated servicing, refuse storage and bicycle storage		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date	20/05/2016	Application Expiry Date	19/08/2016
Earliest Decision Date	07/07/2016		

RECOMMENDATION

1. That planning permission be granted subject to the completion of a S106 legal agreement.
2. That in the event that a legal agreement is not signed by 31 January 2018, the director of planning be authorised to refuse planning permission for the reasons set out under paragraph 64.

BACKGROUND INFORMATION

3. This item is referred to the planning sub-committee because it is a major application and has received more than five objections.

Site location and description

4. The application site is located on the eastern side of Rye Lane at the junction with Highshore Road. The site is within the Rye Lane Conservation, although the application site itself is a modern 1960s block comprising two separate commercial units on the ground floor plus two storeys above, (lowering to ground plus one on the Highshore Road elevation).
5. The site has a Public Transport Accessibility Level (PTAL) of 6B reflecting its high level of access to a range of public transport networks. The site is also within the Peckham and Nunhead Action Area Plan and the Peckham Core Action Area.

Details of proposal

6. Permission is sought to extend and refurbish the existing building with additional floors ranging in height from three to six floors to provide 716 sq metres of retail floorspace and 27 residential units above comprising;

2x studio units
 4 x 1 bedroom units
 17 x 2 bedroom units
 4 x 3 bedroom units

7. The existing entrance on Highshore Road would be increased both on the street frontage and internally the flats would be served by two stair cores and two lifts. Residential waste storage and cycle storage would be located on the ground level, both would have access from the internal core and the rear yard. There are currently 11 flats over the existing first and second floors, the proposal would reconfigure these units and increase the overall level of accommodation by an additional 16 flats.
8. It is proposed demolish the upper floors and build over the open yard space behind the commercial units at first and second floor levels, adjoining the property at 1 Highshore Road. The proposal would consist of the following unit types.

Unit Type	Floor	Tenure Type	Floor area Sq. m	National Standards Sq. m	Amenity Space Sq. m
2B3P	1	Shared ownership	61	61	
2B3P	1	Private	61	61	
2B3P	1	Private	62	61	
3B5P	1	Private	112	86	
W/C					
3B5P	1	Private	93	86	10
3B5P	1	Private	103	86	28
W/C					
2B4P	1		76	70	26
2B3P	2	Shared ownership	61	61	
2B3P	2	Shared Ownership	61	61	
2B3P	2	Private	62	61	
2B4P	2	Private	76	70	12
Studio	2	Private	40	39	
3B5P	2	Private	93	86	10
1B2P	2	Private	50	50	
1B2P	2	Private	50	50	
2B4P	2	Private	77	70	
2B3P	3	Shared ownership	61	61	
2B3P	3	Shared ownership	61	61	
2B3P	3	Private	62	61	
2B4P	3	Private	75	70	
Studio	3	Private	40	39	
1B2P	3	Private	50	50	
1B2P	3	Private	50	50	
2B4P	3	Private	77	70	
2B3P	4	Private	62	61	
2B3P	4	Private	62	61	
2B4P	5	Private	83	70	40

9. Two communal areas are proposed on the first floor, (85 and 160 sq metres) and a third area measuring 70 sq metres is located on the fourth floor.
10. The extension and existing fenestration would be clad in brick. Photovoltaic panels will be installed on the top floor roof.

Planning history

11.

13/EQ/0088 Application type: Pre-Application Enquiry (ENQ) Redevelopment of site providing a part four, part five storey building. Decision date 21/08/2015 Decision: Pre-application enquiry closed (EQC)
15/AP/3241 Application type: Full Planning Application (FUL) New entrance doors and glazing in lobby Decision date 07/10/2015 Decision: Granted (GRA)
12/EN/0630 Enforcement type: Unauthorised building works (UBW) Unauthorised sub division of Flat 3. Sign-off date 20/03/2017 Sign-off reason: Final closure - breach immune (FCBI)

Planning history of adjoining sites

4A Highshore Road

12. 16/AP/0934 - Planning permission granted 10/08/2016 for the demolition of the existing single storey warehouse building and construction of 2 x 2 storey townhouses.

32 - 36 Highshore Road

13. 15/AP/1744 Prior Approval granted 22/06/2015 for change of use of floors 1-3 from offices B1a to 21 residential units, 12x studio flats and 9 x 1 bed flats.
14. 15/AP/5175 Planning permission granted 15/4/2016 with a legal agreement for the erection of a 4th floor extension to provide 2 x 3 bed flats and a side and rear extension.
15. 16/AP/1239 Planning permission granted 15/05/2016 for a 3 storey extension onto Highshore Road above commercial units and service yard to provide 4 x 2 bed flats and 3 x 3 bed flats.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

16. The main issues to be considered in respect of this application are:
 - a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) Tenure split, affordable housing and financial viability
 - c) Impact of proposed extension upon the amenity of adjoining residents and businesses

- d) Transport impacts
- e) Design, including the impact on the Rye Lane Conservation Area and setting of nearby listed buildings
- f) Impacts on infrastructure and consideration of planning obligations (S.106 undertaking or agreement)
- g) Mayoral and Southwark Community Infrastructure levy
- h) Sustainable development implications

Summary of consultation responses

17. A total of 54 letters have been received over two separate consultations, 50 of those were in objection to the scheme and 4 of which were in support. The main objection to the scheme is that of height, with many expressing that the overall height should be reduced by three storeys. Letters in favour of the development express support for the overall design of the scheme.

Planning policy

18. National Planning Policy Framework (the Framework)

Part 4 Promoting sustainable transport
 Part 6 Delivering a wide choice of high quality homes
 Part 7 Requiring good design
 Part 11 Conserving and enhancing the natural environment
 Part 12 Conserving and enhancing the historic environment
 Para 173 – 177 – Ensuring viability and deliverability
 Para 203-206 Planning obligations and conditions

19. The London Plan 2016

Policy 3.1 Ensuring equal life chances for all
 Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.8 Housing choice
 Policy 3.9 Mixed and balanced communities
 Policy 3.10 Definition of affordable housing
 Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology
 Policy 7.14 Improving air quality

20. Core Strategy 2011

Strategic Targets Policy 1 - Achieving growth
 Strategic Targets Policy 2 - Improving places
 Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 5 - Providing new homes
 Strategic Policy 6 - Homes for people on different incomes
 Strategic Policy 7 - Family homes
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards
 Strategic Policy 14 - Implementation

Southwark Plan 2007 (July) - saved policies

21. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 2.5: Planning Obligations
 Policy 3.1: Environmental Effects
 Policy 3.2: Protection of Amenity
 Policy 3.3: Sustainability Assessment
 Policy 3.6: Air Quality
 Policy 3.7: Waste Reduction
 Policy 3.9: Water
 Policy 3.11: Efficient use of Land
 Policy 3.12: Quality in Design
 Policy 3.13: Urban Design
 Policy 3.14: Designing out Crime
 Policy 3.16: Conservation areas
 Policy 3.18: Setting of listed buildings, conservation areas and World Heritage Sites
 Policy 4.1: Density
 Policy 4.2: Quality of residential accommodation
 Policy 4.3: Mix of dwellings
 Policy 4.4: Affordable housing
 Policy 4.5: Wheelchair affordable housing
 Policy 5.1: Locating Developments
 Policy 5.2: Transport Impacts
 Policy 5.3: Walking and Cycling
 Policy 5.6: Car Parking

Peckham and Nunhead Action Area Plan (PNAAP)
 Rye Lane Conservation Area Appraisal

22. Summary of consultation responses

The comments raised in objection to the scheme are as follows

Too large out of scale
 Lack of social housing
 Visual impact upon the conservation area
 Exceeds planning densities
 Loss of natural light to the street
 Overlooking of gardens
 Strain on local parking
 Impact upon adjoining development
 Offers nothing to the community

Principle of development

23. The principle of residential is accepted provided the proposal provides new homes within this mixed use area making more efficient use of the existing site.

Density

24. Core Strategy Policy 5 sets out that in the urban zone densities should be within the range of 200 - 700 habitable rooms per hectare, (hrph). The density of 941hrph would be in excess of the maximum density levels. In accordance with the Core Strategy, the development must be considered to be of exemplary design quality in order to justify the higher density. Further guidance on the criteria that will be used to assess this are set out in the residential design standards SPD. This is also reflected within paragraph 4.5.8 of the PNAAP.
25. The SPD criteria require that the scheme makes a positive contribution to local context, character and communities, including contribution to the streetscape. In this case, as assessed in the design section of this report below, the scale, massing and detailed design of the scheme are considered to be appropriate to the local townscape and context. In addition the scheme would adequately address policies on mixed and balanced communities in relation to affordable housing.
26. The SPD also says that to be 'exemplary development', the scheme should significantly exceed minimum floor area standards, be predominantly dual aspect, exceed amenity space standards, minimise noise nuisance by having appropriate stacking, minimising corridor lengths by having an increased number of cores, have natural light and ventilation in bathrooms and kitchens and meet good sunlight and daylight standards and maximise the potential of the site.
27. The existing residential accommodation within the building is of poor quality with most units comprising undersized studio rooms, none of which benefit from any external space either private or communal. The proposal seeks to improve the quality of the existing accommodation as well as providing additional new homes making best use of the existing site. The proposed design would be striking and would result in a significant improvement to the streetscene and the wider conservation area.

Quality of accommodation

28. In terms of the quality of the units themselves, the majority (71%) would be dual aspect and whilst only 6 of the units would have access to private space, they would all have access to communal space, neither of which is available within the existing building. For a scheme of this size 50 sq metres of communal space is required. The proposal provides 315 sq metres of communal space which is excess of this

requirement. It is noted that the majority of units (21) would not have direct access to private space the SPD requires 10 sq metres per unit to be added to the communal space. This equates to an additional 210sq metres. The proposal would provide an additional 55 sq metres of communal space thus complying with the current standards. The amenity areas were tested for overshadowing and the results confirm that well over 50% of the amenity area would received 2 hours of sunlight on 21 March in compliance with the BRE standards.

29. Levels of daylight and sunlight to the proposed units would be good, all but 3 of the living rooms would be north facing and these would also benefit from a westerly outlook.

Affordable housing

30. The proposal would increase the number of dwellings on site from 11 to 27, but would improve the overall quality of the existing units which are largely undersized studios.
31. The application has been subject to a viability assessment as the applicants were not able to meet the minimum 35% level of affordable units. The council's viability consultants have assessed the viability of the scheme, which had to take account of the quality and value of the existing retail and residential units. Because the site is in commercial and residential use, the Existing Use Value of it is high, meaning that fewer affordable homes can viably be provided. The council's consultants conclude that the development could provide 20% affordable housing on the site. The applicant has agreed to provide 5 units of affordable housing, which equates to 19.5% in terms of habitable rooms. In addition to this an affordable housing contribution of £40,000 is offered to offset the 0.5%. This would comply with the development plan in that it would deliver as much affordable housing as is financially viable.
32. For a modest proposal of this size the introduction of two affordable tenure types for such a small number of units would be difficult to manage and would not be attractive to a registered provider. The provision of shared ownership units only is therefore considered acceptable in this instance.

Accommodation mix

33. The proposal would comprise the following mix of units;

Unit Type	Total	Percentage	Policy Requirement
Studio	2	7%	5%
1 bed	4	15%	40%
2 bed	17	63%	60%
3 bed	4	15%	20%

34. The proposal would not be strictly compliant with Core Strategy 7 in terms of dwelling mix, however it is noted that the proposal would improve the current unit mix and the overall quality of the proposed units in terms of their general amenity and size.
35. Saved Southwark Plan Policy 4.4 states that 10% of the homes should be provided as wheelchair accessible dwellings. The proposal would provide 2 x 3 bed wheelchair units, in terms of habitable rooms this would equate to 10% in compliance with policy.
36. The proposed wheelchair units would be designed to M4(3) and a condition is suggested to ensure that this is undertaken.

Dwelling sizes

37. The overall unit sizes achieve the Nationally described space standards. In addition room sizes are compliant with the individual room sizes set out in the Council's Residential Design Standards SPD.

Layouts

38. The existing entrance on the ground floor would be increased in width along Highshore Road, the block would be served by two cores, one which would provide access to units to the front of Rye Lane and the other would provide access to the units to the rear.

Environmental impact assessment

39. The scale of development proposed does not reach the minimum thresholds established in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) that would otherwise trigger the need for an EIA.

Impact of proposed development on amenity of adjoining residents, businesses and the surrounding area

1 and 3 Highshore Road

40. No.1 Highshore Road property adjoins the existing service yard of the site and has a blank flank wall onto the site. Whilst the proposal would physically adjoin this property it is noted that there is already a high brick built wall along the boundary, the impact to this property and the adjoining property is therefore limited. The daylight, sunlight results demonstrate that the proposal would not breach the BRE guidelines.
41. The proposal plans indicate screening proposed to the outdoor amenity areas on the first floor, these will mitigate against any potential overlooking to the rear of the site. No details have been provided it is therefore considered that this should be made a condition of any planning permission.

4A Highshore Road

42. This is the site of the former warehouse building which lies to the rear of nos. 1 -3 and shares a boundary wall with the existing access yard. As part of the consideration of this application officers took account of this planning application. The approved scheme demonstrates two houses with outlook onto the existing boundary wall. The proposal would retain this wall as this would now form the boundary for one of the amenity areas on the first floor together with screening mentioned above.

32-36 Rye Lane

43. This property lies to the north of the application site and has similarly been granted permissions to allow its extension to the front and rear over the existing service yard. Highshore Road separates the two sites and the applicant has assessed the impact of the proposal in respect of daylight and sunlight against the upper floors of the former office building. The report demonstrates that the Average Daylight Factor would meet the requirements of the BRE guidelines.

46 Rye Lane

44. This property adjoins the site to the south and has a commercial use over all floors.

The application site extends up to the rear boundary of this property, which demonstrates one high level window on the first floor and two blocked up windows on the second floor. The proposed scheme would not build across the flat roof area beneath these windows, but does propose to use the space as part of one of its amenity areas. The design of the amenity area along this boundary is key to ensure that this site is not compromised should the owner wish to install windows on the first floor. It is considered that within the landscaping condition specific details of this boundary are provided.

48 and 50 Rye Lane

45. The majority of properties are in commercial use with few windows looking onto the site. The daylight report has tested some of these windows and confirms that they are well above the vertical sky component (VSC) benchmark figure within the BRE of 27%.

Oliver Mews

46. Oliver Mews is a block of flats to the west of the site, the closest windows with a view have been tested, the daylight to these windows demonstrate that the proposal would either meet the 27% VSC level or be above 0.8 times its former value. It is not envisaged that there would be any harmful impacts to these properties.
47. The area is mixed commercial and residential, the impacts of the scheme in terms of use are considered to be minimal. It is acknowledged that there would be the temporary impact resulting from construction and the requirement for a construction management plan is suggested as a condition.

Transport issues

Car Parking

48. The site is located within a CPZ benefits from a high PTAL (6B) and is located within the town centre. The applicant has proposed a car free development this is welcomed, and a condition will be imposed to ensure that all occupiers of the new units within the development will be ineligible from obtaining on street parking permits.

Cycle parking

Cycle parking for the scheme would be provided on the ground floor, a total of 48 cycle parking spaces are provided in two groups of 24. In accordance with the London Plan Standards there is a requirement for 46 spaces, the proposal would therefore meet the required quantum.

Servicing

49. Servicing for the existing retail units will continue to be undertaken from the service yard to the rear of the shops. The yard space in terms of width would be largely the same, the main difference would be that the yard space would be covered rather than open. Sufficient headroom has been provided to allow service vehicles to pass under, it is suggested however that a condition is added to require vehicles exiting the site to do so using a forward gear.

Refuse

50. Separate refuse storage is provided for the commercial and residential elements of the scheme. Currently there is no formal enclosure for the commercial refuse. The

proposal would provide an allocated area within the loading bay to serve the commercial units. Residential waste would also be stored in an area adjoining the service yard and this would also be accessed from the internal cores. It is considered that the storage areas and the proposed collection method would be satisfactory.

Design issues and Impact on the Rye Lane Conservation Area and setting of nearby listed buildings

51. The main concerns raised as a consequence of the application have centred around the proposed massing and height, and whilst this has been reduced during the course of the application these concerns have continued to be the focus of the objections.
52. The chair of the Peckham heritage regeneration partnership, The Peckham society and historic England have responded to both the original submission and the revision, whilst they accept that the reduction in mass of the 6th floor has improved streetscape views they remain concerned that the proposed development would not respond to the prevailing building heights within the area, in the interests of the Rye Lane Conservation Area. Historic England have however stated that the application should be determined on the basis of the council's specialist conservation advice.
53. The building at the prominent junction of Rye Lane and Highshore Road. The site does not include a listed building but it is within the setting of a number of listed buildings including the Baptist Chapel on Rye Lane, Nos 7,9 and 11 and the Sorting Office on Holly Grove, all of which are Listed Grade II. The site abuts the Holly Grove Conservation Area to the west.
54. The proposed scheme has been carefully arranged to respond to the prevailing height and rhythm of the two conservation areas. On Highshore Road it is set at 3-storeys in height to reflect the residential character and narrow plot-width of Holly Grove Conservation Area. Beyond that and as it enters into the Rye Lane Conservation Area the proposal steps up to 4-storeys in height. This height establishes a strong parapet and a consistent block height that reflects the more substantial town centre scale of Rye Lane. On the Rye Lane frontage is a set-back fifth storey. This picks up on the more civic character of Rye Lane. Finally, and set-back further on the corner, is a roof-top pavilion structure (6th floor).
55. The council's Design and Conservation team advise that this carefully articulated and sculpted architectural mass ensures that the proposal not only respects the historic setting of the two Conservation Areas but also avoids any harm to the setting of the nearby Listed Buildings. The design retains the established building lines both on Rye Lane and Highshore Road. The views submitted with the application demonstrate that the upper floors are well set back and do not detract from the listed buildings. In particular the view of, the Baptist Chapel.
56. The proposal is generally clad in brick to reflect the materiality and tones of the conservation areas. In contrast, the 6th floor roof-top pavilion is designed to be clad in glass and aluminium in a simple pavilion-like design. The aluminium cladding is appropriate to give the roof-top structure a lightness that contrasts appropriately with the more solid brick base. The proposed choice of fabric is appropriate and this is reserved by condition.

57. The proportions of the building generally reflect the scale and character of the conservation areas. On Highshore Road, the more modest proportions have been reflected in the lower-scaled block at this western end of the site. The remainder of the development is defined by a stronger and deep-set double order at the top and civic order of the shopping parade at the ground floor. The base seeks to maximise active frontages on Rye Lane and Highshore Road. The quality of this design will rely to a large degree on the quality of detailing and this is reserved by condition.
58. The design and access statement suggests that the inclusion of the roof-top pavilion was inspired by the bank building at the corner of Hanover Park. This is an appropriate contextual reference and the design is appropriate. Communal amenity has been incorporated at roof-top level on Highshore Road and is appropriate given the constrained nature of the site.
59. The existing building is of limited architectural merit and the proposal would improve and enhance it. The scale and mass respects the two street elevations with the greatest mass being suitably set back as to avoid harm. The scheme would not cause harm to heritage assets, indeed it would enhance the Rye Lane Conservation Area, whilst providing new homes including 5 new affordable homes.

Impact on trees

60. There are no trees within the site, however there are three street trees on the Highshore Road frontage, it is considered that these are at a sufficient distance from the building that they will not be impacted, nonetheless a condition is added to ensure that should they be damaged as a result of the proposed works, they should be replaced.

Planning obligations (S.106 undertaking or agreement)

61. Both the Southwark Plan and the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations. The NPPF advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Strategic Policy 14 – Implementation and delivery of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments. The proposal is liable for Southwark and Mayoral CIL on the private housing the calculations given below do not take account of the relief from the affordable element.
62. Based on measurements above, CIL as per CIL Reg.40:

MCIL Chargeable Area = $Gr - Kr - (Gr \times E/G) = 3147 - 484 - (3147 \times 1056/3147) = 1607\text{sqm}$

MCIL (pre-relief) = 1607 sqm x £35/sqm x 286/223 = £72,135

SCIL Retail chargeable area = $Gr - Kr - (Gr \times E/G) = 858 - 484 - (858 \times 1056/3147) = 86.09\text{ sqm}$

SCIL (Zone 3 Retail) = $86.09\text{ sqm} \times £125/\text{sqm} \times 286/259 = £11,883$

SCIL Resi chargeable area = $Gr - Kr - (Gr \times E/G) = 2289 - 0 - (2289 \times 1056/3147) = 1520.9\text{ sqm}$

SCIL (Zone 3 Resi) = $1520.9\text{ sqm} \times £50/\text{sqm} \times 286/259 = £83,973$

SCIL (pre relief) = £95,856

63. In addition to the CIL contributions given above the proposal is required to provide the following additional contributions by way of mitigation.

5 x 2-bed intermediate housing units
 Affordable housing contribution £40,000
 Carbon off-set contribution £45, 684

64. Should a Section 106 Agreement not be completed by 31 January 2018 there would be no mechanism in place to avoid or mitigate the impact of the proposed development in relation to the provision of the necessary infrastructure. In the absence of a completed s106 the proposal would be contrary to Saved policy 2.5 Planning obligations of the Southwark Plan 2007 and Strategic Policy 14 Implementation of the Core Strategy, and Policy 8.2 Planning obligations of the London Plan, and should be refused for this reason.

Viability

65. In line with the Viability SPD a viability assessment was undertaken as part of the assessment of the scheme to ensure a fair level of affordable housing would be delivered from the site.
66. The council's independent valuers advised that 20% of affordable units would still allow the scheme to be viable. The applicant has made an offer of 19.5% based on habitable rooms. This together with the offer of £40,000 towards affordable housing is considered to be acceptable given that the monetary contribution is only in respect of 0.5%.

Sustainable development implications

67. Policy 5.1 of the London Plan requires that major development schemes should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. Policies 5.2 and 5.7 require a demonstration that the scheme has applied the Mayor's energy hierarchy and that a reduction in carbon dioxide emissions targeting at least 35% can be gained from on-site renewable energy generation, with major developments now required to meet a zero carbon target, with contributions made to mitigate against any shortfalls in carbon offset.
68. The proposal would employ the use of passive and high energy efficiency standards to provide a combined reduction of a 35% reduction in CO2 emissions. This is achieved using passive design methods, low U- values, low air permeability, a high efficiency gas heating system and photovoltaic panels. To make up the shortfall a contribution will be made as set above.

Conclusion on planning issues

69. Planning permission is sought for the redevelopment of the existing site retaining the retail uses on the ground floor and reconfiguring and extending the first and second floors and increasing the overall height of the building to a maximum of 6 storeys.
70. The proposed works would provide a more efficient use of the land increasing both the quality and quantity of existing residential accommodation from 11 to 27. The proposed units would be in compliance with the National Standards and would have access to a number of communal amenity spaces. The mix of accommodation would not be in strict compliance with policy with 2% over the required level of studio units and 5% under the required level of 3+ units. Nonetheless it is acknowledged that the

overall mix is an improvement upon the existing situation which comprised of studio rooms and undersized 1 - bed room flats. The proposal also allows for the provision of wheelchair units which was not previously possible due to the flat layouts and the lack of lifts.

71. The level of affordable units provided together with the monetary contribution would equate to 20%. The level of affordable provision has been through a vigorous viability assessment and represents an acceptable resolution.
72. The overall design of the proposal in particular the massing and height have been raised as matters of concern. These have been taken into account, but with the changes made to the top floor it is considered that the proposal would be an improvement upon the existing building and would make a positive contribution within the Rye Lane Conservation Area.

Community impact statement

73. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
 - a) The impact on local people is set out above.
 - b) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

74. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

75. Details of consultation responses received are set out in Appendix 2.

Human rights implications

76. 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.
77. This application has the legitimate aim of providing new residential flats. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2732-44 Application file: 16/AP/2051 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 5434 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	30 November 2017	
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 Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	1 December 2017	

APPENDIX 1

Consultation undertaken

Site notice date: 10/06/2016

Press notice date: 02/06/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 07/06/2016

Internal services consulted:

Ecology Officer
 Economic Development Team
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Flood and Drainage Team
 HIGHWAY LICENSING
 Highway Development Management
 Housing Regeneration Initiatives
 Waste Management

Statutory and non-statutory organisations consulted:

EDF Energy
 Environment Agency
 Greater London Authority
 Historic England
 London Fire & Emergency Planning Authority
 London Underground Limited
 Metropolitan Police Service (Designing out Crime)
 Natural England - London Region & South East Region
 Network Rail (Planning)
 Thames Water - Development Planning
 Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

5 Constance Court 47 Blenheim Grove SE15 4QR	Unit 44 Rye Lane Market SE15 5BY
Flat 16, Churchill Court, 3a Blenheim Grove SE15 4QW	Unit 40 Rye Lane Market SE15 5BY
6 Quantock Mews London SE154RG	Unit 34 Rye Lane Market SE15 5BY
Flat 3, 76-8 Montpelier Road London SE15 2HE	Unit 42 Rye Lane Market SE15 5BY
13 Highshore Road London SE15 5AA	Unit 35 Rye Lane Market SE15 5BY
14 Highshore Road London SE15 5AA	Unit 30 Rye Lane Market SE15 5BY
15 Highshore Road London SE15 5AA	Unit 29 Rye Lane Market SE15 5BY
12 Highshore Road London SE15 5AA	Unit 36 Rye Lane Market SE15 5BY
51-57 Rye Lane London SE15 5EY	Unit 31 Rye Lane Market SE15 5BY
10 Highshore Road London SE15 5AA	Unit 49 Rye Lane Market SE15 5BY
11 Highshore Road London SE15 5AA	Unit 33 Rye Lane Market SE15 5BY
16 Highshore Road London SE15 5AA	Unit 32 Rye Lane Market SE15 5BY
21 Highshore Road London SE15 5AA	Units 6 And 8 Rye Lane Market SE15 5BY
23 Highshore Road London SE15 5AA	Flat 3 38-44 Rye Lane SE15 5BY
25 Highshore Road London SE15 5AA	Flat 4 38-44 Rye Lane SE15 5BY
20 Highshore Road London SE15 5AA	Flat 5 38-44 Rye Lane SE15 5BY

17 Highshore Road London SE15 5AA
 18 Highshore Road London SE15 5AA
 19 Highshore Road London SE15 5AA
 Peckham Delivery Office 2-4 Highshore Road SE15 5AU
 Rye Lane Baptist Chapel Rye Lane SE15 5BY
 Room 1 5 Highshore Road SE15 5AA
 Room 2 5 Highshore Road SE15 5AA
 Unit 2 Adjacent To 4a SE15 5AA
 Market Office Rye Lane Market SE15 5BY
 Unit 1 Adjacent To 4a SE15 5AA
 Room 3 5 Highshore Road SE15 5AA
 Unit 37 Rye Lane Market SE15 5BY
 Unit 38 Rye Lane Market SE15 5BY
 38-40 Rye Lane London SE15 5BY
 Room 7 5 Highshore Road SE15 5AA
 Room 4 5 Highshore Road SE15 5AA
 Room 5 5 Highshore Road SE15 5AA
 Room 6 5 Highshore Road SE15 5AA
 3 Highshore Road London SE15 5AA
 71-73 Rye Lane London SE15 5EX
 65 Rye Lane London SE15 5EX
 36 Rye Lane London SE15 5BS
 30 Rye Lane London SE15 5BS
 Flat A 71-73 Rye Lane SE15 5EX
 Flat B 71-73 Rye Lane SE15 5EX
 34-34a Rye Lane London SE15 5BS
 Flat B 1 Highshore Road SE15 5AA
 First Floor 36a Rye Lane SE15 5BS
 42 Rye Lane London SE15 5BY
 Flat A 1 Highshore Road SE15 5AA
 75a Rye Lane London SE15 5EX
 First Floor And Second Floor Flat 52 Rye Lane SE15 5BY
 67-69 Rye Lane London SE15 5EX
 32 Rye Lane London SE15 5BS
 38-44 Rye Lane London SE15 5BY
 46 Rye Lane London SE15 5BY
 9 Highshore Road London SE15 5AA
 4 Highshore Road London SE15 5AA
 7 Highshore Road London SE15 5AA
 8 Highshore Road London SE15 5AA
 50 Rye Lane London SE15 5BY
 59a Rye Lane London SE15 5EX
 Third Floor 36a Rye Lane SE15 5BS
 61-63 Rye Lane London SE15 5EX
 4a Highshore Road London SE15 5AA
 52 Rye Lane London SE15 5BY
 59 Rye Lane London SE15 5EX
 3a Highshore Road London SE15 5AA
 Market Cafe Rye Lane Market SE15 5BY
 Unit 52 Rye Lane Market SE15 5BY
 Unit 51 Rye Lane Market SE15 5BY
 Unit 50 Rye Lane Market SE15 5BY
 Unit 53 Rye Lane Market SE15 5BY
 Unit 41 Rye Lane Market SE15 5BY
 Unit 47 Rye Lane Market SE15 5BY
 Unit 45 Rye Lane Market SE15 5BY
 Unit 48 Rye Lane Market SE15 5BY
 Units 2 And 3 Rye Lane Market SE15 5BY
 Unit 4 Rye Lane Market SE15 5BY
 Unit 5 Rye Lane Market SE15 5BY
 Unit 1 Rye Lane Market SE15 5BY
 Unit 46 Rye Lane Market SE15 5BY
 Unit 43 Rye Lane Market SE15 5BY
 Unit 27 Rye Lane Market SE15 5BY
 Unit 28 Rye Lane Market SE15 5BY
 Unit 39 Rye Lane Market SE15 5BY
 Units 37 And 38 Rye Lane Market SE15 5BY
 Flat 2 38-44 Rye Lane SE15 5BY
 Unit 21 Rye Lane Market SE15 5BY
 Unit 20 Rye Lane Market SE15 5BY
 Flat 1 38-44 Rye Lane SE15 5BY
 Flat 6 38-44 Rye Lane SE15 5BY
 Flat 11 38-44 Rye Lane SE15 5BY
 Flat 12 38-44 Rye Lane SE15 5BY
 5 Highshore Road London SE15 5AA
 Flat 10 38-44 Rye Lane SE15 5BY
 Flat 7 38-44 Rye Lane SE15 5BY
 Flat 8 38-44 Rye Lane SE15 5BY
 Flat 9 38-44 Rye Lane SE15 5BY
 Unit 14 Rye Lane Market SE15 5BY
 Unit 25 Rye Lane Market SE15 5BY
 Unit 12 Rye Lane Market SE15 5BY
 Unit 26 Rye Lane Market SE15 5BY
 Unit 11 Rye Lane Market SE15 5BY
 Unit 7 Rye Lane Market SE15 5BY
 Unit 9 Rye Lane Market SE15 5BY
 Unit 10 Rye Lane Market SE15 5BY
 Unit 24 Rye Lane Market SE15 5BY
 Unit 17 Rye Lane Market SE15 5BY
 Unit 16 Rye Lane Market SE15 5BY
 Unit 15 Rye Lane Market SE15 5BY
 Units 18 And 19 Rye Lane Market SE15 5BY
 Unit 23 Rye Lane Market SE15 5BY
 Unit 22 Rye Lane Market SE15 5BY
 Unit 13 Rye Lane Market SE15 5BY
 207 Bellenden Road Peckham SE15 4DG
 33 Highshore Road London SE15 5AF
 64 Embleton Road London SE13 7DG
 Flat 3 London SE15 5BY
 20 Highshore Road London SE15 5AA
 Flat 41 Pilgrims Cloisters 116 Sedgmoor Place London se5 7rq
 1 Handforth Road London SW9 0LL
 1 Handforth Road London SW9 0LL
 3 Highshore Road London Se155aa
 118 Cooperative House 263 Rye Lane se15 4ur
 53 Thurlow Hill London SE21 8JW
 241a Barry Road East Dulwich SE22 0JU
 2 Ashleigh Mews London Se154bf
 24 Burnley Rd London sw9 0sj
 52 Ansdell Road Peckham SE15 2DS
 10 Lyndhurst Square London SE15 5AR
 23 Aura Court 163 Peckham Rye SE15 3GW
 44 Caulfield Road Peckham SE15 2DE
 25 Highshore Road SE15 5AA
 Flat 3 5 Campden Road CR2 7EQ
 3a London se15 5by
 162 Peckham Rye London SE229QH
 84 Oglander Road London se154EN
 Flat 7 London Se15 5by
 18 Highshore Road Peckham se15 5aa
 9 Highshore Road London SE155AA
 104 Copleston Road London SE15 4AG
 7 Lyndhurst Square 7 Lyndhurst Square SE15 5AR
 11 Blenheim Grove London SE15 4QS
 60 Nutbrook St Peckham SE15 4LE
 12b Therapia Rd London SE220SE
 186 Bellenden Road London SE15 4BW
 36a Marmont Road London SE15 5TE
 61 Harberton Road London N19 3JT
 45 Northfield Hse Peckham Park Rd se15 6tl
 178 Peckham Rye London SE22 9QA
 12 Highshore Rd Peckham Rye SE155AA
 79 Eliot Bank se233xd

Re-consultation: 24/04/2017

APPENDIX 2**Consultation responses received****Internal services**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

Environment Agency
 Historic England
 London Fire & Emergency Planning Authority
 London Underground Limited
 Natural England - London Region & South East Region
 Network Rail (Planning)
 Thames Water - Development Planning
 Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

Flat 16, Churchill Court, 3a Blenheim Grove SE15 4QW
 Flat 3 London SE15 5BY
 Flat 3 5 Campden Road CR2 7EQ
 Flat 3, 76-8 Montpelier Road London SE15 2HE
 Flat 41 Pilgrims Cloisters 116 Sedgmoor Place London se5 7rq
 Flat 7 London Se15 5by
 1 Handforth Road London SW9 0LL
 1 Handforth Road London SW9 0LL
 10 Highshore Road London SE15 5AA
 10 Lyndhurst Square London SE15 5AR
 104 Copleston Road London SE15 4AG
 11 Blenheim Grove London SE15 4QS
 118 Cooperative House 263 Rye Lane se15 4ur
 12 Highshore Rd Peckham Rye SE155AA
 12 Highshore Road London SE15 5AA
 12 Highshore Road London SE15 5AA
 12b Therapia Rd London SE220SE
 13 Highshore Road London SE15 5AA
 13 Highshore Road London SE15 5AA
 15 Highshore Road London SE15 5AA
 162 Peckham Rye London SE229QH
 178 Peckham Rye London SE22 9QA
 18 Highshore Road London SE15 5AA
 18 Highshore Road London SE15 5AA
 18 Highshore Road Peckham se15 5aa
 186 Bellenden Road London SE15 4BW
 2 Ashleigh Mews London Se154bf
 20 Highshore Road London SE15 5AA
 20 Highshore Road London SE15 5AA
 207 Bellenden Road Peckham SE15 4DG
 207 Bellenden Road Peckham SE15 4DG
 23 Aura Court 163 Peckham Rye SE15 3GW
 23 Highshore Road London SE15 5AA
 23 Highshore Road London SE15 5AA

24 Burnley Rd London sw9 0sj
241a Barry Road East Dulwich SE22 0JU
25 Highshore Road SE15 5AA
25 Highshore Road SE15 5AA
25 Highshore Road SE15 5AA
25 Highshore Road London SE15 5AA
25 Highshore Road London SE15 5AA
3 Highshore Road London Se155aa
3a Highshore Road London SE15 5AA
3a London se15 5by
33 Highshore Road London SE15 5AF
36a Marmont Road London SE15 5TE
38-44 Rye Lane London SE15 5BY
44 Caulfield Road Peckham SE15 2DE
45 Northfield Hse Peckham Park Rd se15 6tl
5 Constance Court 47 Blenheim Grove SE15 4QR
52 Ansdell Road Peckham SE15 2DS
53 Thurlow Hill London SE21 8JW
6 Quantock Mews London SE154RG
60 Nutbrook St Peckham SE15 4LE
61 Harberton Road London N19 3JT
61 Harberton Road London N19 3JT
64 Embleton Road London SE13 7DG
7 Lyndhurst Square 7 Lyndhurst Square SE15 5AR
79 Eliot Bank se233xd
84 Oglander Road London se154EN
84 Oglander Road London se154EN
84 Oglander Road London se154EN
9 Highshore Road London SE15 5AA
9 Highshore Road London SE155AA
9 Highshore Road London SE155AA

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 Atif Riaz Reality Holdings Limited	Reg. Number	16/AP/2051
Application Type	Full Planning Application	Case	TP/2732-44
Recommendation	Grant subject to Legal Agreement	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Refurbishment and extension of existing building, including additional floors above ground floor, ranging in height from four to six storeys, to provide 716 SqM of retail space (use class A1) and 27 residential dwelling (use class C3) (2 x studios, 4 x one bed flats, 17 x 2 bed flats, and 4 x three bed flats), landscaping, associated servicing, refuse storage and bicycle storage

At: 38-44 RYE LANE, LONDON, SE15 5BY

In accordance with application received on 18/05/2016 16:01:52

and Applicant's Drawing Nos. Existing

276/P201; 276/P/202; 276/203; 276/P204; 276/P/211; 276/P212;

Proposed

276_A_301 REV A; 276_P_302; 276_P_303; 276_P_304; 276_A_305 REV A; 276_A_306 REV A; 276_0361 REV A_VISUALISATIONS; 276_A_311 REV A; 276_A_312 REV A; 276_A_321 REV A; 276_A_322 REV A; 276_A_331 REV A

Documents

Design and access statement including Heritage Statement; Planning Statement including Statement of Community Involvement; Daylight and Sunlight Assessment; Energy Statement; Transport Statement, Visibility Report Summary, Commercial Rent Analysis Report

Subject to the following twelve conditions:

Time limit for implementing this permission and the approved plans

- 1 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.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

276_A_301 REV A; 276_P_302; 276_P_303; 276_P_304; 276_A_305 REV A; 276_A_306 REV A; 276_0361 REV A_VISUALISATIONS; 276_A_311 REV A; 276_A_312 REV A; 276_A_321 REV A; 276_A_322 REV A; 276_A_331 REV A

Reason:

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

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is

commenced.

- 3 Prior to the commencement of works, a Construction Method Statement detailing measures to protect the trees on Highshore Road and to measures to avoid highway conflict shall be submitted to the local planning authority for approval.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area and to protect highway safety in accordance with The National Planning Policy Framework 2012 strategic policies 1 sustainable transport, 11 open spaces and wildlife, 12 design and conservation and 13 High environmental standards of the Core Strategy 2011; saved policies 3.2 protection of amenity, 3.28 biodiversity and 5.2 transport impacts of the Southwark Plan 2007.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 4 Before any above grade work hereby authorised begins, details of the screen wall to the first floor amenity areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of visual and residential amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

- 5 1:5/10 section detail-drawings through the building proposed:
the facades;
parapets;
roof edges;
junctions with existing buildings; and
heads, cills and jambs of all openings;
to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with part 7 of the NPPF (2012); Policy SP12 Design & Conservation of the Core Strategy (2011); and saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (July 2007) .

- 6 1m x 1m sample panels of the brick and glass and aluminium cladding as well as samples of all external facing materials, to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with part 7 of the NPPF (2012); Policy SP12 Design & Conservation of the Core Strategy (2011) and saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (July 2007).

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 7 Before the first occupation of the building/extension the cycle storage facilities as shown on drawing 276_P_301 REV A] shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 8 Before the first occupation of the building/extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 276_P_301 REV A shall be provided and made available for use by the occupiers of the [dwellings/premises] and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 9 Prior to the commencement of use a scheme of sound insulation shall be submitted to the local planning authority to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with the National Planning Policy Framework 2012, Strategic Policy 13 'High environmental standards' of the Core Strategy (2011) and saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 10 With the exception of existing flats numbered 1 to 11 inclusive no developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 11 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T**, 30 dB LAeq T*, 45dB LAFmax T *

Living rooms- 35dB LAeq T **

Dining room - 40 dB LAeq T **

* Night-time 8 hours between 23:00-07:00

** Daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 12 The specifications for each dwelling identified in the detailed construction plans shall be constructed in accordance with the standard of the Approved Document M of the Building Regulations (2015) required in the schedule below and as corresponding to the approved floor plans. The development shall be carried out in accordance with the details thereby approved by the appointed building control body

Unit reference numbers

Access to and use of building standard

All other units

M4(2)

Units 14 and 16

M4(3a)

Reason

To ensure the development complies with Core Strategy 2011 Strategic Policy 5 (Providing new homes) and London Plan 2015 Policy 3.8 (Housing choice).

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Wednesday 13 December 2017 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
 Councillor Nick Dolezal
 Councillor Darren Merrill
 Councillor Damian O'Brien
 Councillor Sandra Rhule
 Councillor Michael Situ

OFFICER SUPPORT: Dipesh Patel (Development Management)
 Michael Glasgow (Development Management)
 Amy Lester (Development Management)
 Martin McKay (Design and Conservation Officer)
 Margaret Foley (Legal Officer)
 Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor Maria Linforth-Hall.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

None were disclosed.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7.1 – development management items and;
- Members' pack relating to item 7.1.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 31 October 2017 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation, responses, additional information and revisions.

7. 38-44 RYE LANE, LONDON, SE15 5BY

Planning application reference number: 16-AP-2051

Report: see pages 10 to 32 of the agenda pack and pages 1 to 2 of the addendum report.

PROPOSAL

Refurbishment and extension of existing building, including additional floors above ground floor, ranging in height from three to six storeys, to provide 716 SqM of retail space (use class A1) and 27 residential dwelling (use class C3) (2 x studios, 4 x one bed flats, 17 x 2 bed flats, and 4 x three bed flats), landscaping, associated servicing, refuse storage and bicycle storage.

The sub-committee heard an introduction to the report from the planning officer.

Members asked questions of the officers.

The objectors addressed the meeting. The sub-committee asked questions of the objectors.

The applicant and their agent addressed the sub-committee and responded to questions from members.

There were no supporters of the application present that lived within 100 metres of the development site.

There were no ward councillors present at the meeting.

Members debated the application. No further questions were asked of officers.

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 the completion of a S106 legal agreement.
2. That in the event that a legal agreement is not signed by 31 March 2018, the director of planning be authorised to refuse planning permission for the reasons set out under paragraph 64.

7. 269-275 RYE LANE AND 1A PHILIP WALK, LONDON SE15

Planning application reference number: 16-AP-1896

Report: see pages 33 to 80 of the agenda pack and page 2 of the addendum report.

PROPOSAL

Demolition of existing buildings (general industrial units and a derelict end-of-terrace property) and the redevelopment of the site to provide 1x part 3/ part 5 storey building, 1x part 6/ part 5 storey building and 1x two-storey residential dwelling, comprising a total 29 residential units (12 x 1-bed, 11 x 2-bed and 6 x 3-bed) and 534sqm of flexible commercial floorspace (Class A1/B1), plus associated landscaping, plant, car and cycle parking and refuse storage.

The sub-committee heard an introduction to the report from the planning officer.

Members asked questions of the officers.

The objectors addressed the meeting. The sub-committee asked questions of the objectors.

The applicants addressed the sub-committee and responded to questions from members.

There were no supporters of the application present that lived within 100 metres of the development site.

There were no ward councillors present at the meeting.

Members debated the application and asked further questions of the officers.

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 conditions and amendments contained in the addendum report subject to the applicant entering into a satisfactory legal agreement.

2. That in the event that a satisfactory legal agreement is not entered into by 31 March 2018 that the director of planning be authorised to refuse planning permission, if appropriate, for the reason set out in paragraph 116 of the report.

The meeting adjourned for a five minute comfort break. The meeting reconvened at 8.00pm.

7. 110 PECKHAM ROAD, LONDON, SE15 5EU

Planning application reference number: 17-AP-3015

Report: see pages 81 to 100 of the agenda pack and page 3 of the addendum report.

PROPOSAL

Excavation of land to the front of the hotel and the construction of a four-storey subterranean basement extension to provide 33 new hotel rooms, a swimming pool, gymnasium and associated facilities. Together with internal alterations to the existing building to relocate the restaurant/bar to ground floor level and associated landscaping. Net increase of 24 hotel rooms.

The sub-committee heard an introduction to the report from the planning officer.

Members asked questions of the officers.

There were no objectors present at the meeting.

The applicant and applicant's agent were present to address the sub-committee and responded to questions from members.

There were no supporters of the application present that lived within 100 metres of the development site.

There were no ward councillors present at the meeting.

Members debated the application.

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

RESOLVED:

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

7. SCOTTISH POLITICAL MARTYRS MEMORIAL, NUNHEAD CEMETERY, LINDEN GROVE, LONDON, SE15 3LP

Planning application reference number: 16-AP-3412

Report: see pages 101 to 109 of the agenda pack.

PROPOSAL

Refurbishment works to the area around the Scottish Political Martyrs memorial comprising:

- *Replacement of plinth and granite kerbs around memorial and the retained bench.*
- *Excavation of area either side of the memorial to a depth of 300mm to allow for the new road formation.*
- *Installation of new resin bonded gravel road formation around memorial and associated drainage.*

The sub-committee heard an introduction to the report from the planning officer.

Members asked questions of the officers.

The objectors addressed the meeting. The sub-committee asked questions of the objectors.

The applicant and their agent were not present to address the sub-committee.

There were no supporters of the application present that lived within 100 metres of the development site.

There were no ward councillors present at the meeting.

Members debated the application and asked further questions of the officers.

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

RESOLVED:

That listed building consent be granted subject to conditions.

The meeting ended at 8.45 pm

CHAIR:

DATED:

21 March 2018

Dear Sir / Madam

RE: 15 BLUELION PLACE, LONDON, SE1 4PU**Application: 17/AP/4796****Proposal: Redevelopment of the site comprising the demolition of t its replacement with a 5-storey office building.****Planning Sub-Committee A, 26 March 2018, 19:00**

On behalf of the owners of the immediately adjoining property to the Site, Unit 16 Blue Lion Place, we provide the following written representations and would be grateful if these could be placed before the Committee for consideration please.

1. We are very pleased the Electoral Reform Society has bought the place and will be our neighbour. We are taken aback, though, by their ambitious plan which does not take sufficient account of several key factors.
 2. We refer to the objections to this application previously submitted in writing by the occupiers of the immediately adjoining property, Unit 16 on 10 February 2018. We stand by those objections, which we feel are not adequately dealt with either by the applicant's response or by the officer's report.
 3. **The proposed development is out of keeping with the existing properties in Blue Lion Place, breaks the roof line of the live/work unit block and, particularly when viewed from the courtyard, will be an overly dominant structure significantly reducing both daylight and sunlight.**
 4. We have obtained our own daylight and sunlight assessment of the impact of the proposed development on Unit 16 and can therefore add further detail. We attach a copy of the assessment report. We urge Committee members to read the whole of the report, which can be summarised as follows:
 - 4.1 *"The results of our examination indicate **the proposed development at Unit 15 fails to fully comply with BRE Guidelines and is expected to cause significant negative impact to daylight and sunlight access to the existing internal spaces at Unit 16.** In light of the above, it is considered that **sunlight/daylight should be a constraint to the granting of planning permission** at Unit 15." [para 6.4]*
 - 4.2 The report concludes that **daylight within all habitable rooms at Unit 16 would no longer be adequate**, with one window falling below the target criteria set within BS 8206 Pt 2 and the BRE publication "Site Layout Planning for Daylight & Sunlight – A guide to good practice," because of the development at Unit 15. [para 6.2]
 - 4.3 All floors of Unit 16, as with all of the sui generis units in that block, should be considered as though they were in residential use since the planning consent on those units affords flexibility to the owners to configure the internal space as desired. This flexibility was a highly prized feature when the unit was purchased by the current owner. As the Council is aware (if not the Committee), the current owner of Unit 16 has had plans afoot since [xxx] to reconfigure the property so that the ground floor will indeed be residential. [para 4.1]
 - 4.4 We understand from our expert surveyors that the Average Daylight Factors (ADF) assessment contained in our report is more accurate than the Vertical Sky Component (VSC) measurement relied upon by the applicant, which is too simplistic. We also understand that BS 8206 Pt 2, which is incorporated into the BRE Guide, supports the use of ADF. [para 5.4]
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- 4.5 When plotting ADF, our surveyors can demonstrate that the proposed development will result in an average loss of daylight on each floor as follows:
- 4.5.1 Ground floor – 16% reduction
- 4.5.2 First floor mezzanine cannot be measured
- 4.5.3 Second floor – 17% reduction
- 4.5.4 Third floor (living dining space) – 25% reduction, **which takes it below the BS minimum for such use**
- 4.5.5 Third floor (bedroom) – 8% reduction

[para 5.4]

- 4.6 The applicant itself has recognised that, even on the more simplistic VSC measurement, the proposed development will result in a breach of the BRE thresholds for one window at Unit 16 and a reduction of light by 27%. [GIA report, page 6]
- 4.7 In terms of sunlight, we note that the building is north facing. It already has a fairly low amount of sunlight (except on the third floor). In all cases, **the proposed development would extinguish all natural sunlight from Unit 16 on all floors.** [para 5.4]
- 4.8 In terms of sunlight, the report concludes: "*The Annual Probable Sunlight Hours (APSH) analysis demonstrates that there is **significant change between the expected amount of sunlight to the habitable rooms at Unit 16. The results indicate a complete loss of APSH, which would well exceed the recommended BRE threshold.***" [para 6.3]

5. We note that the restrictive covenant on the title of Unit 15 which reads:

"No building shall be erected on the land hereby transferred to a greater height than thirty-five feet from ground level."

It is our view that the covenant remains enforceable. It is a big cautionary call from the past, reminding us that light is critical, especially now that the entire area around Blue Lion Place is so overbuilt and daylight, never mind sunlight, is at a premium.

6. We also note that the existing 3-storey building on the site has been purposefully designed so that it steps back from the boundary. This design feature is to ensure that the impact on light is minimised. We assume it was a planning condition imposed on the previous developers.
7. It seems odd to us that daylight / sunlight issues have been relevant historically to developments on this site, but that the applicant is now asserting that they should no longer be relevant.
8. We urge the committee to reject the planning application on these grounds.

Yours faithfully

Owners of Unit 16, Blue Lion Place



By Email

Craig Newton
London Borough of Southwark
5th Floor, Hub Two
London
SE1P 5LX

Dear Craig

Re: 15 Blue Lion Place Daylight and Sunlight – Supplementary Note

I write with respect to the representation made by NRG Consulting on behalf of Kathleen Langford, in relation to the planning application scheme for the Site at 15 Blue Lion Place (NRG report reference DSA/SB/19122017-AV, dated 8/2/18, issued to Southwark 21/03/2018). The representation concerns claimed loss of Daylight and Sunlight to Unit 16, Blue Lion Place.

Firstly, there is doubt over the viability of the NRG Report, as the technical analysis undertaken has been estimated and is not verified, and therefore the results provided cannot be relied upon. GIA's own technical assessment (GIA report reference AC/11934, dated 02/12/2017) was based on measured survey data and was verified by Trehearne Architects.

With respect to the criteria used to assess the impact of Daylight, the representation makes specific reference to the Building Research Establishment Guidelines, 'BRE' Guidance. The assessment of the effect of the new development on the Daylight and Sunlight enjoyed by occupiers of existing buildings is made by reference to the Building Research Report (2011) entitled, '*Site Layout Planning for Daylight and Sunlight: A Good Guide to Practice*'.

1. Clarification on the technical assessment which forms the basis of our report.

The BRE Guidelines provide two main methodologies for Daylight assessment, namely;

i. The Vertical Sky Component (VSC)

The primary methodology is known as the Vertical Sky Component (VSC) which considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the Site. This is a more simplistic approach and it could be considered as a "rule of thumb" to highlight whether there are any potential concerns to the amenity serving a particular property. The NRG report does not provide any comment or findings on VSC.

GIA's Report identifies two of the three windows assessed (67 %) as meeting the BRE criteria. The one window that does not meet the guidelines will retain 16.6 % VSC, which GIA consider to be commensurate given the urban location of the Development Site. In addition, in line with the BRE criteria, this is considered to be a minor transgression given that the reduction is between 20 – 30 % VSC. Southwark Council's report to the committee supports this conclusion.

DATE / REF

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26/03/2018

CB/11934

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ii. *The No Sky Line (NSL)*

The second methodology is the No Sky Line or Daylight Distribution method ("NSL"). This simply assesses the change in position where the sky can be seen or not seen, from table top height within a room between the existing and proposed situations. It does take into account the number and size of windows to a room.

As identified within our Report, when considering the results of the NSL assessment, all rooms (100 %) relevant for assessment exceed the BRE Guidelines.

The BRE provides one methodology for sunlight assessment:

iii. *Annual Probable Sunlight Hours (APSH)*.

The APSH assessment considers only surrounding receptors (i.e. windows) that face within 90° due south of the Development to be relevant for assessment (not windows that face north).

- It can be noted from review of Unit 16, Blue Lion Place, the windows suitable for assessment do not face within 90° due south.
- Paragraph 3.2.3 of the BRE Guidance states that:

"To assess the loss of sunlight to an existing building, it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90° of due south".

As such, we do not consider NRG's use of APSH assessment to be valid in relation to 16 Blue Lion Place.

2. Response to the Methodology Considered within the NRG Consulting Report

- i. As highlighted within point iii. above, the report considers the use of APSH, which is an inappropriate methodology given the orientation of the adjoining building windows.
- ii. The NRG Report considers the use of ADF methodology, which the BRE Guidance does not consider appropriate for adjoining properties and should rather be used to assess new development. Page 64 of the BRE Guidance, paragraph F7, states that:

"Use of the ADF for loss of light to existing buildings is not generally recommended".

In any event, the data that NRG Consulting have provided for ADF cannot be taken as meaningful, as they have not verified the use of external or internal reflectants used and do not state what type of glazing has been allowed for. As quoted within the Guidance under paragraph 2.1.11, "ADF depends on room reflectances".

Accordingly, we cannot agree with the conclusions reached in the NRG Report and consider that limited weight can be attributed to their Report.

I trust that the above provides a full response in relation to the Report provided by NRG Consulting, given the late submission of their representation.

Kind regards,
Yours sincerely
For and on behalf of GIA



Cathryn Buckland
Senior Surveyor
Cathryn.buckland@gia.uk.