RECOMMENDATION

1 Refuse permission.

BACKGROUND INFORMATION

2 The application is brought before Nunhead and Peckham Rye Community Council at the request of the Chair.

Site location and description

3 The site is located to the rear of No.886 Old Kent Road. The current site is overgrown with the footprint of the former building on the site.

4 To the east of the site is a scrapyard at 25-35 Chesterfield Way which has a recent planning permission for development of 13 residential units (10/AP/3173). To the west are railway arches with commercial units.

5 At the corner of Old Kent Road and Chesterfield Way is a public house and this building is under consideration for inclusion on the Borough's locally listed building list.

6 No.'s 880-884 Old Kent Road are Grade II listed buildings.

Site Policies/Constraints

7 Urban Density Zone
Extended Archaeological Priority Zone
Air Quality Management Area
Flood Zone 3a

Details of proposal

8 The application is for a part-single storey/part-two storey building for light industrial and storage uses. The maximum height of the proposed building is 7.2m with a length of 29m at two-storeys and an additional 15.4m at single storey level. Windows are
proposed at ground and first floor levels on the west and east elevations, with
warehouse type doors at ground and first floor levels on the south elevation.

Planning history

9  There is no history of planning applications on this site. There is some history of pre-
    applications however.

10 06/EQ/0479 Pre-application has been carried out in relation to the site to the rear
    (Radius Shipping Site) in relation to possible redevelopment of the site.

Planning history of adjoining sites

11 884 OLD KENT ROAD, LONDON, SE15 1NQ
    07/AP/0640 - Permission granted for limited period for use of ground floor for mini-cab
    office purposes

12 08/AP/1934 - Permission granted for continued use of ground floor for mini-cab office
    purposes

13 25-35 CHESTERFIELD WAY, LONDON, SE15 2AW

14 10-AP-3173 - Permission granted for erection of a 4 storey block of 13 flats with
    amenity space, one disabled car parking bay and cycle parking.

15 08/AP/0201 - Outline planning permission granted in September 2008 for the erection
    of a 3 storey block with roof terrace comprising a total of 9 residential units (5 x two
    bedroom maisonettes, 1 x three bedroom maisonette and 3 x three bedroom flats)
    with 6 parking spaces and rear amenity space (outline application - principle of
    landuse and scale of development).

16 Land at junction of Chesterfield Way and Culmore Road

17 08/AP/3078 Planning permission granted under delegated powers in April 2009 for
    erection of a part three and part four storey building to provide 21 self-contained flats
    (Use Class C3

KEY ISSUES FOR CONSIDERATION

Summary of main issues

18 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic
   policies.

b] the impact of the development upon the amenity of occupants of the surrounding
   residential properties and commercial sites.

c] impact of adjoining and nearby uses on occupiers and users of proposed
   development

d] the impact of the design on the appearance of the immediate environment

e] impact on the setting of the listed buildings at 880, 882 and 884 Old Kent Road.

f] the impact on highway and pedestrian safety and general traffic issues
g) flood risk

h) archaeology

i) environmental standards

Planning policy

19 Saved Southwark Plan Policies 2007
Policy 1.4 Employment sites outside the preferred office locations and preferred industrial locations
Policy 3.1 Environmental effects
Policy 3.2 Protection of Amenity
Policy 3.6 Air Quality
Policy 3.7 Waste Reduction
Policy 3.11 Efficient Use of Land
Policy 3.12 Quality in Design
Policy 3.13 Urban Design
Policy 3.15 Conservation of the Historic Environment
Policy 3.17 Listed Buildings
Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
Policy 3.19 Archaeology
Policy 5.2 Transport Impacts
Policy 5.3 Walking and Cycling
Policy 5.6 Car Parking
Policy 5.7 Parking Standards for the Mobility Impaired.

20 London Plan 2008 consolidated with alterations since 2004
3C.22 Parking Strategy
4A.3 Sustainable design and construction
4B.1 Design principles for a compact city
4B.3 Enhancing the quality of the public realm

Core Strategy

21 Southwark's Core Strategy was considered by an independent Inspector during an Examination in Public held in July 2010. The Inspector has issued his binding report and deemed the Core Strategy to be sound.

22 The Core Strategy has now been formally adopted.

23 Core Strategy Policies
Strategic Policy 1 - Sustainable Development
Strategic Policy 2 - Sustainable Transport
Strategic Policy 10 - Jobs and businesses
Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High environmental standards

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

24 PPS 1 Delivering Sustainable Development
PPS 5 Planning for the Historic Environment
**Principle of development**

25 The principle of commercial development on this site is acceptable in general policy terms in relation to the adopted London Plan (2008) and the Southwark Plan (2007) as well as the adopted Core Strategy (2011). The proposal is in line with Strategic Policy 10 'Jobs and Businesses' of the Core Strategy which seeks to create employment and link local people to jobs as well creating a vibrant economy. This policy also seeks to create 25,000 to 30,000 sq. m. of additional floorspace in certain locations in the borough, including sites on classified roads.

**Environmental impact assessment**

26 Not required for this type of application. It is not considered that significant environmental effects would arise.

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

27 The main site to be impacted by this development is that adjacent at 25-35 Chesterfield Way.

It is not considered that the proposal would have a negative impact on the properties adjacent to the building at 886 Old Kent Road or on the commercial units located within the arches (one of which Radius shipping, the applicant, is operating from at present).

28 In considering the impact of the proposal upon the site at 25-35 Chesterfield Way it is noted that there is a recently consented scheme for 13 residential units on this site (10/AP/3173). Officers consider the main issue to be the impact on the amenity of the future occupiers of the proposed development, having regard to overlooking, loss of sunlight /daylight and loss of outlook and the creation of a sense of enclosure.

29 In relation to overlooking, it is noted that there are windows proposed on the boundary of the site, facing towards the site at 25-35 Chesterfield Way. It is considered that it should be possible for the applicant to mitigate any potential overlooking by way of obscured glazing without detrimentally impacting on the viability or usefulness of the commercial use. This could be done by way of condition.

30 In relation to loss of sunlight/daylight, there is potential for the approved flats at Chesterfield Way to be impacted upon especially in the evenings, when the sunlight is received from the west. The 25 degree tests (as outlined on page 16 of the Residential Design Standards Supplementary Planning Document, 2008) indicate that the ground floor units, and potentially the first floor units, would lose a significant amount of daylight and sunlight as a result of the proposal.

31 In relation to loss of outlook and the creation of sense of enclosure, it is considered that a number of the units of the consented residential scheme may be impacted upon as a result of this two-storey structure located close to the rear boundary of the site (in particular ground floor units 3, 4 and 5).

**Noise**

32 There is potential for the future occupiers of the scheme at 25-35 Chesterfield Way to be impacted upon as a result of noise emanating from the proposed commercial
building and from vehicles servicing the building. Environmental Protection officers, however, advise that any potential noise impacts could be mitigated by appropriate conditions, if the application was to be recommended for approval.

**Impact of adjoining and nearby uses on occupiers and users of proposed development**

33 The surrounding uses are a mixture of commercial and residential. In relation to the commercial uses, these are located under the railway arches to the west of the site. It is not considered that these uses would impact negatively on the operation of a commercial building on this site.

34 In relation to the impact of the recently consented scheme on the proposed commercial building, it is not considered that the residential nature of the scheme would have a negative impact on the operation of the commercial premises. As noted above, there are windows proposed on the boundary of the site facing towards the site at 25-35 Chesterfield Way. The recently consented scheme has rear windows facing towards the commercial building. While overlooking would not necessarily hinder the operation of the commercial use, it is considered desirable, in the interest of residential amenity, that these windows be obscured. If the application was recommended for approval, this could be achieved by way of condition.

**Traffic issues**

35 The application form indicates that no car or cycle parking is to be provided. However a gravel car park is indicated on the plans although no details of the number or layout of spaces is provided. Table 15.1 of the Southwark Plan (2007) outlines a requirement of 1 car parking space. A minimum of 2 cycle spaces is also required.

36 The applicant has stated that pedestrian access to the site is from Old Kent Road and vehicular access would be from the rear of the site. Transport officers have requested detailed plans illustrating the pedestrian and vehicular entrance as well as swept path analysis showing vehicles that will be associated with the development entering and exiting the site in a forward gear.

37 The Design and Access statement has stated that the proposed building will have disabled access, however it is unclear whether the applicants have proposed to provide any on site disabled parking.

38 No information has been provided with regards to the number and types of vehicles that will be associated with the site.

39 Having regard to the lack of information provided on the above issues, the proposal is considered to be contrary to saved Southwark Plan Policies 5.2 'Transport Impacts', 5.3 'Walking and Cycling', 5.6 'Car Parking and Strategic Policy 2 'Sustainable Transport' of the Core Strategy.

**Design issues**

40 Having regard to saved Policy 3.13 'Urban design' of the Southwark Plan, the height, scale and massing of building should be appropriate to the local context and should not dominate its surroundings inappropriately. The proposed development is a part-two storey, part single storey development to the rear of 886 Old Kent Road. It is
considered that the proposed building does not sit incongruously in its surroundings and fits in with the commercial nature of the area to the rear of the properties on Old Kent Road.

41 Having regard to saved Policy 3.12 'Quality in design', developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment. New buildings and alterations to existing buildings should embody a creative and high quality appropriate design solution, specific to their site’s shape, size, location and development opportunities and where applicable, preserving or enhancing the historic environment.

42 An overall assessment of the design is that the scheme is a simple commercial structure which is functional in nature. This simplicity is considered to work well in its context and whilst there are some concerns over lack of the fenestration on the west elevation, it is not considered that the lack of windows on this elevations detracts from the proposal so much as to warrant a refusal in this instance.

43 The use of brick for the elevations is considered appropriate and other materials are considered to be acceptable. While it would have been preferable to have timber framed windows in lieu of the proposed uPVC windows, this is not considered to detract from the scheme to such an extent so as to warrant a refusal.

Impact on character and setting of the listed buildings at 880-884 Old Kent Road

44 The proposal sits to the rear of the listed buildings at 880-884 Old Kent Road. There are no objection to the proposal and it is not considered that the proposed building detracts from the setting of these listed buildings, due to its location to the rear of these buildings and the commercial nature of this area to the rear. The rear of these listed buildings are not the most attractive features of these buildings and it is considered that most of their significance is to the front of the properties facing onto Old Kent Road.

45 The impact of this proposal on the heritage asset - the listed buildings at 880-884 and their setting - is considered against the requirements of PPS5 - Planning for the Historic Environment.

46 Policy HE 9.4 of PPS5 – states that: "Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:
(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss."

47 This proposal will not detract from the setting of the listed buildings and it is considered that there is no material impact on the viewer’s appreciation of the rear of these properties.

Archaeology

48 It is noted that the site lies within an Archeological Priority Zone. As such any potential impacts on archaeology must be considered when assessing this application. The proposal does not provide any detail on archaeology. It is noted that the proposed building is on the site of a former building on this site and seeks to maintain the footprint of the former building. As such it is likely that foundations are in place already. However the proposal as it currently stands fails to comply with saved Policy
3.19 'Archaeology' and with Strategic Policy 12 of the Core Strategy as no archaeological evaluation has been undertaken on the proposed development site, nor have the applicants supplied a desk based assessment. Therefore the applicants have not supplied adequate information to enable their application to be determined as required by policy.

Sustainable development implications

49 The application does not contain any detail in relation to the BREEAM standard to be achieved by the commercial building. Strategic Policy 13 'High Environmental Standards of the Core Strategy' states that all non-residential development should achieve BREEAM 'excellent'. However it is considered that details of the BREEAM standard to be achieved could be required by condition, should the application be recommended for approval.

Flood Risk

50 The site lies within Flood Zone 3a. The proposed building is commercial in nature and it not expected that the occupants would be at risk in the event of flooding. The building occupies the site of a former building and as such it is not expected to increase the amount of surface water run off over and above the existing footprint of the previous building.

Conclusion on planning issues

51 It is considered that the proposed development will have a detrimental impact on the amenity of the future occupiers of the recently consented scheme at 25-35 Chesterfield Way by way of loss of daylight/sunlight, creation of a sense of enclosure and loss of outlook. As such the proposed development is contrary to saved Southwark Plan Policy 3.2 'Protection of Amenity' and is contrary to guidance as set out in the Residential Design Standards Supplementary Planning Document (2008).

It is appreciated that there has, in the past, been a building on this site. There are no records of its appearance. However, it burnt down a considerable time ago and in the intervening period, the adjoining site has come forward for social housing development. It is unfortunate for the owners of the application site that they now have a more sensitive neighbour but given that permission has been granted for development of the neighbouring site, it is considered that the amenities of the future residents should be protected, in line with the Council's amenity policies.

52 The proposal does not provide any information on levels of vehicle and cycle parking to be provided and does not provide any information on the vehicular access and egress to the site or servicing of the site. As such the proposal is contrary to saved Southwark Plan Policies 5.2 'Transport Impacts' and Strategic Policy 2 'Sustainable Transport' of the Core Strategy.

53 The proposal fails to comply with saved Policy 3.19 'Archaeology' and with Strategic Policy 12 'Design and Conservation' of the Core Strategy as no archaeological evaluation has been undertaken on the proposed development site, nor have the applicants supplied a desk based assessment. Therefore the applicants have not supplied adequate information to enable their application to be determined as required by policy.

Community impact statement

54 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.

55 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

58 Summary of consultation responses

59 Buxton Building Contractors
   • application should not have been validated
   • no scale bar on plans
   • no public notice
   • impacts on site adjacent
   • impact on daylight and sunlight levels on scheme at Chesterfield Way
   • daylight/sunlight report should have been submitted
   • no supporting information has been submitted indicating that the building is a true reinstatement of the previous building
   • have not indicated previously that reinstatement of the building was intended
   • Fire was in 2005 not in 2008 as stated in the application documents.

60 Cuthbert Lake on behalf of Strand Parishes Trust (owner of the site at 25-35 Chesterfield Way)
   • windows of the previous building on the site facing Chesterfield Way were blocked up for many years
   • right to light issues
   • proposal would overlook flats

61 MDR Associates on behalf of Affinity Sutton
   • Have submitted drawings indicating impact on sunlight daylight levels to the consented scheme at 25-35 Chesterfield Way.

Human rights implications

62 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.

63 This application has the legitimate aim of providing commercial accommodation. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS
BACKGROUND DOCUMENTS

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<th>Background Papers</th>
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<td>Site history file: TP/2168-886</td>
<td>Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ</td>
<td>Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5420 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a></td>
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APPENDICES

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AUDIT TRAIL

| Lead Officer | Gary Rice, Head of Development Management |
| Report Author | Ronan O'Connor, Planning Officer |
| Version | Final |
| Dated | 21 April 2011 |
| Key Decision | No |

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER

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Date final report sent to Constitutional Team 28 April 2011
Consultation undertaken

Site notice date: 25/02/2011

Press notice date: 03/03/11

Case officer site visit date: 25/02/11

Neighbour consultation letters sent:

24/02/11

Internal services consulted:

Transport
Environmental Protection

Statutory and non-statutory organisations consulted:

TFL

Neighbours and local groups consulted:

see attached list

Re-consultation:

None
Consultation responses received

Internal services

Transport - insufficient information submitted

Environmental Protection - Noise issues can be mitigated by way of condition

Statutory and non-statutory organisations

TFL - suggests conditions in relation to potential construction impacts on the Old Kent Road.

Neighbours and local groups

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