

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.5	OPEN	12 February 2013	Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12/AP/3804 for: Conservation Area Consent  <b>Address:</b> 160-162 RYE LANE, LONDON, SE15 4NB  <b>Proposal:</b> Demolition of the existing building (related to application 12/AP/2698 to provide Part-three storey/part-four storey building to provide eight residential units [comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b4p flat] on first, second, third and fourth floors, with associated refuse and cycle storage, retention of ground floor and basement Class A1 retail use; new shopfront)		
<b>Ward(s) or groups affected:</b>	The Lane		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 23/11/2012		<b>Application Expiry Date</b> 18/01/2013	

## RECOMMENDATION

- 1 Grant conservation area consent.

This application has been brought to Planning Sub-Committee due to the applicant being related to a councillor.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is a pair of part two/ part three storey buildings on Rye Lane. Historic maps appear to indicate that No. 160 Rye Lane (along with No. 158) was constructed prior to 1830 as a pair of semi-detached houses, with substantial front and rear gardens, in a residential area. By the time of the 1879 OS Map, No. 162 had also been constructed, however the front and rear gardens are still evident. The 1896 OS Map indicates that by then the front gardens had been in filled with the ground floor projecting front extensions forming the commercial frontage we associate with Rye Lane today.
- 3 The site currently has retail on the ground floor and 3 residential units above. The site lies within the Rye Lane Conservation Area. There are no listed buildings within the vicinity of the site.
- 4 Relevant Designations of the Proposals Map (April 2011) are:  
 Major town centre  
 Air Quality Management Area  
 Urban Density Zone  
 Peckham Action Area Core  
 Protected Shopping Frontage

### **Details of proposal**

- 5 It is proposed to demolish the existing buildings on site. This is required to enable the construction of a new 5 storeys over basement building with retail at basement and ground floor and residential above.

### **Planning history**

- 6 There are a number of recent planning applications that are of relevance to this proposal. An application (08/AP/1756) for 9 self contained flats on upper floors (6 x 1 bedroom and 3 x 2 bedroom) was refused on 22/10/08 for 6 reasons including depth, height, bulk and mass resulting in an impact on neighbour amenity, design concerns, inadequate refuse and cycle facilities, poor residential standards and lack of a noise and air quality assessment.
- 7 A further application (09/AP/2265) for part demolition of the site and the alteration and conversion of the upper floors consisting of first, second, third floors with a part one and part four storey extension to the rear to contain 9 self-contained flats (6x1 bedroom and 3x2 bedroom) was refused on 16/12/09 for 3 reasons including poor standard of detail design including bulk and massing concerns, poor residential standards as a result of all the units being single aspect and a lack of an air quality assessment. These reasons were upheld at appeal (appeal reference X), although it is noted that the Inspector considered the additional built form to the rear to be acceptable and would not cause demonstrable harm.
- 8 11/AP/0364 Permission granted 21/04/2011 for separating of shop and alteration of shopfront to form two units and retained kiosk.
- 7 AP/98/0840 Permission refused on 11/09/1998 for Change of use from office/storage to residential providing 2 self contained flats
- 8 162 Rye Lane 04/AP/0347 Permission refused 02/03/2005 - subsequently allowed on appeal 02/12/2005 Conversion of first and second floors as two self -contained flats with entrance via 160 Rye Lane, retention of second floor window to front and first floor doors and windows to rear and installation of new guard rails to rear at first floor level.
- 9 AP/00/0487 Permission granted (21/09/2000) for conversion of first and second floors, above ground floor re tail, from retail/storage to self contained two bedroom flat.

### **Planning history of adjoining sites**

- 10 Warwick Court, Choumert Road, London SE15 4S  
09/AP/2129 Refuse permission 20/08/2010. Allowed on appeal (09/06/2011) for erection of a 2-storey building comprising 6 self-contained flats, following demolition of lock-up garages (Use Class C3). This is located to the rear of the site across the laneway called Warwick Court.
- 11 66 Rye Lane SE15  
98/AP//0484 Grant permission 12/01/2000 for variation of condition 1 of planning permission dated 29/09/97 to allow permanent use of the building for non-residential institution (Use Class D1) to include religious activities

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

12 The main issues in this case are:

a] Acceptability of the demolition in the context of the Rye Lane Conservation Area.

### **Planning policy**

#### Core Strategy 2011

13

12 - Design and conservation

14 Southwark Plan 2007 (July) - saved policies

For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

15 3.15 Conservation of the Historic Environment

3.16 Conservation Areas

3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

16 London Plan 2011

Policy 7.8 Heritage Assets and Archaeology

17 National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

Relevant Sections

12. Conserving and enhancing the historic environment

Rye Lane Conservation Area Appraisal

### **Design issues and Impact on character of the Rye Lane Conservation Area**

Demolition of the existing building

18 Objections to the demolition of these buildings have been received from the Georgian Group, the Peckham Society and the Conservation Area Advisory Group. Their concerns relate to the loss of these historic elements of the conservation area.

Strategic Policy 12 of the Core Strategy 2011 expects development to preserve or enhance Southwark's historic environment – an approach consistent with saved Policy 3.15 of the Southwark Plan 2007. With regard to demolition in conservation areas, saved SP Policy 3.16 notes that planning permission will not be granted for proposals

involving the demolition or substantial demolition of a building that contributes positively to the character or appearance of the Conservation Area unless it can be demonstrated that a range of criteria are met.

- 19 Section 12 of the National Planning Policy Framework (NPPF) 'Conserving and enhancing the historic environment' is of direct relevance. In particular Paragraph 138 notes that loss of a building (or other element) which makes a positive contribution to the significance of a conservation area should be treated as substantial harm under Paragraph 133 or less than substantial harm under Paragraph 134 - taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.
- 20 Paragraph 3.4.2 of the conservation area appraisal (CAA) describes a significant part of the area's character is the group of late-Georgian villas and terraces, rising up behind later often 19th century shop extensions. The development of the application buildings are consistent with these development patterns and are therefore characteristic of the area in both their form and urban morphological development of the townscape.
- 21 Paragraph 3.4.2 asserts, however, that whilst they represent a notable survival, on the whole the late Georgian villas have been much extended and are in a poor condition. This is the case here, with later unsympathetic works reducing their architectural quality and their contribution to the character and appearance of the conservation area to neutral levels. Notwithstanding the butterfly roof, the application buildings have a relatively plain appearance with obvious rebuilding to the parapet and blind windows at attic level, and to window openings on upper floors. Also, the buildings are unsympathetically extended to the rear. These previous works combine to diminish the buildings historic value and their contribution to the character and appearance of the conservation area. Also, the poor quality 20<sup>th</sup> century shop front has a significant negative visual impact upon the conservation area townscape in its inappropriate appearance and materials.
- 22 The buildings are not recognised as having a positive contribution to the area within the CAA and have not been notatorily listed. The CAA, incorrectly, refers to No's 162-164 (even) Rye Lane as making a positive contribution, however this is in error. Instead, it is the neighbouring building to the south no's. 164, 168 & 170 which makes the positive contribution with its red brick articulated facade, not 162 which is the later and smaller of the two buildings forming the application site. This error now identified will be rectified within the CAA.
- 23 The form and appearance of the buildings, while characteristic of the conservation area, are not particularly important examples of such and therefore have only a limited contribution. The proposed demolition would only result in limited harm to the character and appearance of the conservation area as a whole. As such, it is considered the demolition would result in 'less than substantial harm' to the significance of the designated heritage asset (the conservation area) and should therefore be treated as falling under NPPF Paragraph 134 and should be weighed against the public benefits of the proposal. A planning application has been submitted for redevelopment, which is also for consideration and has been assessed as an acceptable replacement that will preserve the character of the conservation area.
- 24 To ensure that an unattractive gap does not appear in the streetscape as a result of demolition far in advance of redevelopment, any conservation area consent should be subject to a condition to provide that demolition shall not take place until a contract for the carrying out of works for redevelopment had been made.
- 25 Further, a Method Statement(s) and Schedule of Works for the demolition and site

clearance should be submitted via condition. Thereafter, demolition and site clearance shall be carried out in strict accordance with the approved Method Statement(s) and Schedule of Works. The Method Statement(s) shall include details of the measures to be taken to protect those walls which are to be retained - including any structures required for shoring purposes.

- 26 On balance, the planning benefits of the concurrent planning application would be sufficient to outweigh the limited harm to the significance of the designated heritage asset by demolition of the application buildings.

### **Conclusion on planning issues**

- 30 The demolition of the two buildings within the Rye Lane Conservation Area and replacement with a new build retail and residential building, is considered to be acceptable for the reasons outlined in detail above. As such the recommendation is for approval.

### **Community impact statement**

- 31 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) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified in the planning report.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

- 34 The Georgian Group  
Object to application. Applicants have made no attempt to address the tests in the Rye Lane Conservation Area Assessment.

Considers that the application is highly damaging to the character of the Rye Lane Conservation Area. It will result in the loss of architectural features that positively contribute to the conservation area, such as early 19th century fenestration patterns and proportions, early 19th century floor to ceiling ratios and the loss of the increasingly rare early 19th century butterfly roof. Recommends that application is refused.

Conservation Area Advisory Group  
Object in principle to the demolition

A scheme that preserves the whole existing period building should be called for.  
the proposal for redevelopment was thought to be banal with the extension above  
general parapet level being particularly inappropriate.

Peckham Society

Support 'The Georgian Group' in suggesting that this development be refused for the  
same reasons

### **Human rights implications**

- 35 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.
- 36 This application has the legitimate aim of providing a replacement building accommodate 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2732-91	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
Application file: 12/AP/3804		Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 020 7525 5420
		Council website: www.southwark.gov.uk

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour consultee list
Appendix 4	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Ronan O'Connor, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 January 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		31 January 2013

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 12/12/12

**Press notice date:** 13/12/12

**Case officer site visit date:** 21/08/12

**Neighbour consultation letters sent:**

11/12/12

**Internal services consulted:**

Design and Conservation

**Statutory and non-statutory organisations consulted:**

Conservation Area Advisory Group  
English Heritage  
The Council for British Archaeology  
The Victorian Society  
The Georgian Group

**Neighbours and local groups consulted:**

As per Appendix 3

**Re-consultation:**

None



## **APPENDIX 2**

### **Consultation responses received**

#### **Internal services**

Design and Conservation - no objection in principle but recommend minor design changes

#### **Statutory and non-statutory organisations**

The Georgian Group

Object to application. Applicants have made no attempt to address the tests in the Rye Lane Conservation Area Assessment.

Considers that the application is highly damaging to the character of the Rye Lane Conservation Area. It will result in the loss of architectural features that positively contribute to the conservation area, such as early 19th century fenestration patterns and proportions, early 19th century floor to ceiling ratios and the loss of the increasingly rare early 19th century butterfly roof. Recommends that application is refused.

Conservation Area Advisory Group

Object in principle to the demolition

scheme that preserves the whole existing period building should be called for the proposal for redevelopment was thought to be banal with the extension above general parapet level being particularly inappropriate.

English Heritage - No response to date.

#### **Neighbours and local groups**

Peckham Society

Object to application. Support 'The Georgian Group' in suggesting that this development be refused for the same reasons

## APPENDIX 3

### Neighbour Consultee List for Application Reg. No. 12/AP/3804

<b>TP No</b>	TP/2732-162	<b>Site</b>	160-162 RYE LANE, LONDON, SE15 4NB
<b>App. Type</b>	Conservation Area Consent		

Date Printed	Address
11/12/2012	195-197 RYE LANE LONDON SE15 4TP
11/12/2012	164A RYE LANE LONDON SE15 4NB
11/12/2012	FIRST FLOOR AND SECOND FLOOR FLAT 189 RYE LANE LONDON SE15 4TP
11/12/2012	FIRST FLOOR AND SECOND FLOOR FLAT 191 RYE LANE LONDON SE15 4TP
11/12/2012	FIRST FLOOR AND SECOND FLOOR FLAT 160 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 6 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 1 166 RYE LANE LONDON SE15 4NB
11/12/2012	191 RYE LANE LONDON SE15 4TP
11/12/2012	189 RYE LANE LONDON SE15 4TP
11/12/2012	FLAT 2 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 5 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 4 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 3 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 1 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 7 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 6 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 5 152-154 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 8 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	160-162 RYE LANE LONDON SE15 4NB
11/12/2012	FIRST FLOOR AND SECOND FLOOR WARWICK COURT CHOUMERT ROAD LONDON SE15 4SE
11/12/2012	1A WARWICK COURT CHOUMERT ROAD LONDON SE15 4SE
11/12/2012	FLAT 5 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 2 152-154 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 2 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 1 152-154 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 3 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 4 152-154 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT 4 16 ALPHA STREET LONDON SE15 4NX
11/12/2012	FLAT 3 152-154 RYE LANE LONDON SE15 4NB
11/12/2012	11 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	10 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	9 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	12 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	FLAT B 160-162 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT A 160-162 RYE LANE LONDON SE15 4NB
11/12/2012	13 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	8 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	3 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	2 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	1 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	4 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	7 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	6 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	5 KAPUVAR CLOSE LONDON SE15 4SH
11/12/2012	FLAT C 195-197 RYE LANE LONDON SE15 4TP
11/12/2012	154 RYE LANE LONDON SE15 4NB
11/12/2012	178 Peckham Rye London SE22 9QA
11/12/2012	UNIT D 166 RYE LANE LONDON SE15 4NB
11/12/2012	UNIT C 166 RYE LANE LONDON SE15 4NB
11/12/2012	164 RYE LANE LONDON SE15 4NB
11/12/2012	187 RYE LANE LONDON SE15 4TP
11/12/2012	185 RYE LANE LONDON SE15 4TP
11/12/2012	UNIT B 166 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT D 195-197 RYE LANE LONDON SE15 4TP
11/12/2012	FLAT A 195-197 RYE LANE LONDON SE15 4TP
11/12/2012	FLAT B 195-197 RYE LANE LONDON SE15 4TP
11/12/2012	FLAT B 187 RYE LANE LONDON SE15 4TP
11/12/2012	UNIT A 166 RYE LANE LONDON SE15 4NB
11/12/2012	168 RYE LANE LONDON SE15 4NB
11/12/2012	FLAT A 187 RYE LANE LONDON SE15 4TP
11/12/2012	192 RYE LANE PECKHAM LONDON SE15 4NF

11/12/2012	181 RYE LANE LONDON SE15 4TP
11/12/2012	196 RYE LANE PECKHAM LONDON SE15 4NF
11/12/2012	192A RYE LANE PECKHAM LONDON SE15 4NF
11/12/2012	190A RYE LANE PECKHAM LONDON SE15
11/12/2012	207 RYE LANE PECKHAM LONDON SE15 4TP
11/12/2012	213A RYE LANE PECKHAM LONDON SE15 4TP
11/12/2012	183 RYE LANE PECKHAM LONDON SE15 4TP
11/12/2012	177-179 RYE LANE PECKHAM LONDON SE15 4TP
11/12/2012	156 RYE LANE PECKHAM LONDON SE15 4NB
11/12/2012	205 RYE LANE PECKHAM LONDON SE15 4NB
11/12/2012	Style 173 Rye Lane Peckham London SE15 4TL
11/12/2012	82 RYE LANE PECKHAM LONDON SE15 4RY
11/12/2012	56 Pennethorne Road Peckham London SE15 5TQ
11/12/2012	178 Peckham Rye London SE22 9QA