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| Item No. 7.3 | Classification: OPEN | Date: 10 June 2015 | Meeting Name: Planning Sub-Committee A |
| Report title: | Development Management planning application: Application 15/AP/0938 for: S.73 Vary/remove conds/minor alterations Address: 160-162 RYE LANE, LONDON SE15 4NB Proposal: Minor amendments to planning permission 12-AP-2698 for: 'Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b 4p 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' consisting of: A basement extension to the commercial unit for additional storage space; Changes to the top floor material from glazing structure to bricks; High quality bricks proposed to the entire building; Further development to the elevations including shop front design; Additional balcony to the rear elevation; Relocation of refuse storage; Green roof proposed to the front at first floor level. Submission of further details further details in relation to refuse storage, details of the shop front, details of the balconies and details of the privacy screens. | | |
| Ward(s) or groups affected: | The Lane | | |
| From: | Head of Development Management | | |
| Application Start Date 18/03/2015 | | Application Expiry Date 13/05/2015 | |
| Earliest Decision Date 25/04/2015 | | | |

RECOMMENDATION

1. That the application is referred to Planning Sub-Committee A for consideration due to the applicant being related to an elected member; and that planning permission is granted for these minor amendments subject to condition.

BACKGROUND INFORMATION

Site location and description

2. The application site is a pair of part two/ part three storey buildings on Rye Lane. The site currently has retail on the ground floor and 3 residential units above. The surrounding area generally consists of a mixture of uses with commercial at ground floor and residential/office above.

The site lies within the Rye Lane Conservation Area however there are no listed buildings within the vicinity of the site. 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

3. The proposals detailed consist of minor amendments to planning permission 12-AP-2698 for: 'Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b 2p flat, 4 x 2b 4p 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',
4. The amendments consist of: A basement extension to the commercial unit for additional storage space; Changes to the top floor material from glazing to brick; A change to the brick proposed for the remainder of the building; Further development to the elevations including shop front design; An additional balcony to the rear elevation; Relocation of refuse storage; and A green roof to the front at first floor level.
5. The applicant has also included further details which were originally required via a condition of the previous application including details of the refuse storage, details of the shopfront, details of the balconies, brick samples and privacy screening.

Planning history

6.

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| 08/AP/1756 Application type: Full Planning Permission (FUL) - Demolition of part ground, first and second floors. Erection of 4 upper floors consisting of first, second, third and fourth floor with 2 storey rear extension. The addition of commercial floorspace (330 sqm) to the first floor as ancillary office and staff facilities. Second, third and fourth floors to contain 9 self contained flats (6 x 1 bedroom and 3 x 2 bedroom). Other alterations include widening of existing access way to upper floors. Provision of cycle storage and refuse. Decision date 22/10/2008 Decision: Refused (REF) |
| 11/AP/0364 Application type: Full Planning Permission (FUL) - Separating of shop and alteration of shopfront to form two units and retained kiosk. Decision date 21/04/2011 - Decision: Granted (GRA) |
| 12/EQ/0031 Application type: Pre-Application Enquiry (ENQ) - New building comprising commercial space at the ground floor and 8 residential units on upper floors. Decision date 23/04/2012 Decision: Pre-application enquiry closed (EQC) |
| 12/AP/2698 Application type: Full Planning Permission (FUL) - Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b 4p 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. Decision date 13/02/2013 Decision: Granted with 'Grampian' Condition (GWGC) |
| 12/AP/3804 Application type: Conservation Area Consent (CAC) - Demolition of the existing building. Decision date 13/02/2013 Decision: Granted (GRA) |
| 14/AP/4786 Application type: Variation: non-material changes (VNMC) - Non-material amendment to planning permission 12-AP-2698 for 'Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b 4p 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' consisting of: Extension to the approved basement area for commercial unit. Decision date 04/02/2015 Decision: Not Agreed - for app types VLA & VNMC (NAGR) |

Planning history of adjoining sites

7. Warwick Court, Choumert Road, London SE15 4S - 09/AP/2129 Permission refused 20/08/2010; subsequently 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.

66 Rye Lane SE15 - 98/AP//0484 Permission granted 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

8. 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) Design issues and impact on the conservation area;
 - c) Residential Design Standards;
 - d) Impact on the amenities of neighbouring residents and occupiers;
 - e) Impact of adjoining and nearby uses on occupiers and users of proposed development;
 - f) Traffic issues;
 - g) Sustainability; and
 - h) Waste and Recycling

Planning policy

9. This application should be determined in accordance with the development plan unless other material considerations indicate otherwise; and the following central government guidance, regional and local plan policies are particularly relevant:

National Planning Policy Framework (the Framework)

1. Building a strong competitive economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design.
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

London Plan 2015

- 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 Choices

Policy 4.7 Retail and Town Centre Development
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.6 Decentralising Energy in Development Proposals
Policy 5.7 Renewable Energy
Policy 6.1 Strategic Approach
Policy 6.3 Assessing Effects of Development on Transport Capacity
Policy 7.1 Building London's Neighbourhood 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

Core Strategy 2011

1 - Sustainable Development
2 - Sustainable transport
3 - Shopping, Leisure and Entertainment
5 – Providing new homes
12 - Design and conservation
13 - High environmental standards
14 - Implementation and delivery

Southwark Plan 2007 (July) - saved policies

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.

1.7 Development within Town and Local Centres
3.1 Environmental Effects
3.2 Protection of Amenity
3.4 Energy Efficiency
3.6 Air Quality
3.7 Waste reduction
3.9 Water
3.11 Efficient use of land
3.12 Quality in Design
3.13 Urban Design
3.14 Designing out Crime
3.16 Conservation Areas
3.19 Archaeology
4.2 Quality of Residential Development
5.2 Transport impacts
5.3 Walking and cycling
5.6 Car parking

Supplementary Planning Documents

Residential Design Standards SPD
Rye Lane Conservation Area Appraisal
Sustainable Design and Construction SPD

Principle of development

10. The principle of the demolition of the existing building and redevelopment of the site has already been agreed as part of planning permission ref: 12/AP/2698 and conservation area consent ref:12/AP/3804. The case officer's reports note that the site is location within a Major Town Centre and within the Peckham Action Area Core. The site also lies within a Protected Shopping Frontage. Saved Policy 1.7 'Development within town and local centres' is applicable in this instance, together with Strategic Policy 3 'Shopping, Leisure and Entertainment' of the Core Strategy. A further material consideration is the National Planning Policy Framework and amended London Plan. Having regard to the above policy documents, it is considered that the principle of retail at ground floor and residential above is acceptable as there are no policy provisions preventing this.

Impacts on Amenity

11. The proposed scale and massing of the proposed building is largely the same as the previously approved scheme and as such it is unlikely that there will be any additional amenity impacts. The daylight/sunlight report with the previous application noted that the BRE guidelines in relation to daylight would be achieved for the neighbouring properties considered and as such it is not considered that any material additional impacts would be raised by the proposed alterations.
12. No additional overlooking impact would arise as a result of the alterations proposed. The additional balcony at first floor level within the rear elevation will be placed in a similar location to the already approved balconies (above and adjacent to the proposed balcony location) and as such no additional overlooking would result from this element of the proposal.
13. The alterations proposed include a change to the balcony edging materials from the previously approved obscure glazing to powder coated handrails with vertical balustrades. The colour proposed is RAL 8022. It is not considered that this change will impact harmfully on the amenities of the surrounding properties or on the future occupiers of the building and as such, this is deemed acceptable.
14. The application provides additional information in relation to the proposed privacy screens between the balconies. They are proposed to consist of an obscure glazed panel between the balconies up to a height of 1.725m which would be sufficient in height to ensure that no overlooking would result. They will also ensure that sufficient light will reach the balconies and are thus deemed acceptable. A condition of the previous approval required details of the privacy screen to the top floor flat (8). However, the terrace at this level is for the sole use for this flat and as there will be no overlooking into the adjoining properties, this is not required. A compliance condition is now proposed to clarify this.
15. As a result of the above, the proposed alterations to the approved planning permission are not considered to result in any additional amenity impacts and as such accord with Saved Policy 3.2. 'Protection of Amenity' of the Southwark Plan

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

16. None expected.

Transport issues

17. No alterations are proposed that would result in any additional transport impacts. A condition will be required to restrict occupiers from applying for parking permits and one for details of cycle storage, as per the previous approval.

Design issues and Impact on character and setting of a listed building and/or conservation area

18. As noted above, the principle of the demolition and redevelopment of the site has already been accepted as part of the previous approval. Further details are contained in the case officer reports for these applications.
19. Officers raised initial concerns in relation to the alterations proposed to the approved design, particularly the shop front design. Clarification was also sought in relation to further details of materials/colours of the two proposed bricks and details of the rear balconies. As such, the applicant submitted amended plans and further information to overcome officers concerns on 08/05/2015 and followed up with a meeting on 20/05/2015 to provide samples of the brick work as well as the timber shopfront and anodised aluminium proposed for the residential entrance. These details are shown on the following drawings 289/PA/8.00 (Condition 3) Rev A, 289/GA/3.00 (Section 73) Rev B, 289/GA/3.04 (Section 73) Rev A, and 289/PA/4.00 (Condition 5) Rev A.
20. Officers were satisfied that the proposed use of Ashburn brick to the main element of the building and the Pagus brick on the top floor setback are acceptable as they will respond positively to the streetscene and wider Rye Lane Conservation Area. The sample materials were reviewed in a meeting on 20/05/2015 and considered sufficient to control via a compliance condition (rather than a pre commencement condition as included in the previous approval) on any potential approval.
21. The amended shopfront as shown on detailed Dwg no.289/PA/4.00 (Condition 5) Rev B is considered an acceptable amendment to the scheme and thus overcomes previous officers concerns. This is also proposed to be enshrined within a compliance condition requiring these details to be implemented on site unless agreed in writing with the LPA.
22. The remaining alterations the fenestration including the alterations to the balcony materials and the additional balcony to the rear are not considered to significantly alter the approved scheme in terms of design and would contribute acceptably to the streetscene and wider conservation area. The proposed green roof is also considered acceptable as it would not detrimentally impact on the host building or wider townscape.
23. Overall the amendments to the design of the building, including the amended materials and additional details are considered acceptable in this instance as they would accord with Saved Policies 3.12, 3.13 and 3.16 of the Southwark Plan.

Waste, Recycling and Highways Impacts

24. The alterations proposed seek to move the proposed bin store from inside the building to be located within a separate secure refuse storage area located within the rear yard of the building. It is also proposed that the bins will be collected through the rear of the site via Warwick Court and onto Choumert Road. Dwg no.289/GA/1.01 (Condition 7) Rev A, shows details of this proposed arrangement and notes that a collection point will be located off of the Choumert Road highway where a private contractor will deliver the bin storage to and return it back to the storage point within the site.

25. This arrangement is confirmed by the applicant in an letter dated 10/03/15 which notes that the private company will arrange/coordinate the collection time in order to ensure the bins are moved to the collection point just before the collection time and the bins are moved back to refuse storage after collection. This arrangement is considered acceptable and appropriate and, as such, a compliance condition will be attached requiring this to be done in accordance with the approved drawings and email.
26. As such, in highways terms no issues are raised as a result of the proposed alterations and as such they are considered to accord with the relevant Core Strategy and Southwark Plan policies.

Impact on trees

27. None.

Planning obligations (S.106 undertaking or agreement)

28. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration, however, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
29. In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development. The additional space will be both Southwark and Mayoral CIL liable. The Mayoral CIL in Southwark currently is calculated on the basis of £40.02 per sqm and this equates to £6,203.48 (i.e. 155sqm x £35/sqm x 255/223), and Southwark CIL amount is £19,375.00 (i.e. Zone2 Retail = 155sqm x £125/sqm). S73 app with net addition of 155sqm new build compared to original app.12/AP/2698.

Sustainable development implications

30. None expected.

Other matters

31. No other matters have been identified.

Conclusion on planning issues

32. The proposed alterations are considered to respond positively to the previous approved application and sufficient information has been provided for officers to take the view that the revised scheme will contribute positively to the streetscene and wider conservation area. As such it is recommended that the application is granted subject to conditions.

Community impact statement

33. 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 issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

None received.

Human rights implications

36. 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.
37. This application has the legitimate aim of providing amendments to an already approved application. 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

38. None.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|--|
| Site history file: TP/2732-162 Application file: 15/AP/0938 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 5416 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 | Gary Rice, Head of Development Management | |
| Report Author | Alex Cameron, Senior Planning Officer | |
| Version | Final | |
| Dated | 26 May 2015 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| 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 |
| Date final report sent to Constitutional Team | 28 May 2015 | |

APPENDIX 1

Consultation undertaken

Site notice date: 31/03/2015

Press notice date: 02/04/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 30/03/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat A 160-162 Rye Lane SE15 4NB
183 Rye Lane Peckham SE15 4TP
177-179 Rye Lane Peckham SE15 4TP
168 Rye Lane London SE15 4NB
156 Rye Lane Peckham SE15 4NB
205 Rye Lane Peckham SE15 4NB
192 Rye Lane Peckham SE15 4NF
181 Rye Lane London SE15 4TP
196 Rye Lane Peckham SE15 4NF

192a Rye Lane Peckham SE15 4NF
190a Rye Lane Peckham SE15
207 Rye Lane Peckham SE15 4TP
213a Rye Lane Peckham SE15 4TP
56 Pennethorne Road Peckham SE15 5TQ
178 Peckham Rye London SE22 9QA
82 Rye Lane Peckham SE15 4RY
Style 173 Rye Lane SE15 4TL
154 Rye Lane London SE15 4NB

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

None