

Item No. 7.1	Classification: Open	Date: 28 November 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/4857 for: Full Planning Permission Address: 190 RYE LANE, LONDON SE15 4NF Proposal: Retention of the facade of 190 Rye Lane, demolition of all other buildings and structures and redevelopment to form 22 new dwellings in total; and 691.4 sq m (GEA) restaurant unit (A3); new landscaped open space; surface vehicle and cycle parking; access and associated and ancillary development.		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date 21/12/2015		Application Expiry Date 21/03/2016	
Earliest Decision Date 07/02/2016			

RECOMMENDATIONS

1. Grant planning permission, subject to a S106 agreement.
2. That in the event that the legal agreement is not completed by 31 January 2017, the Director of Planning be authorised to refuse planning permission for the reason detailed in paragraph 71.

BACKGROUND INFORMATION

Site location and description

3. The site fronts onto Rye Lane and comprises a three-storey building with retail premises at ground floor and two flats above. The building is linked to a single storey structure comprising offices with associated hardstanding and two storage sheds to the west of the site, which are accessed directly from Rye Lane via an arched over access driveway.
4. The site is bounded by a mix of commercial and residential properties on the west side of Rye Lane with residential properties to Sternal Lane.
5. The site is part of the Rye Lane Conservation Area, the site is also within the Peckham and Nunhead Action Area and the Peckham Core Action Area.

Details of proposal

6. The planning application seeks to retain the facade of the building at 190 Rye Lane with the demolition of all other buildings and structures to the rear providing 22 new dwellings within two separate blocks. It is proposed to provide a ground and basement restaurant (A3) onto Rye Lane.

7. Fronting onto Rye Lane would be a three-storey building with a mansard roof extension block providing 5 dwellings (Block A). A further 17 dwellings will be constructed within a part 3, part 4 storey L-shaped building to the rear of the site (Block B).
8. There would be a new basement proposed to be used in conjunction with part of the ground floor to provide a new restaurant Class A3 (6391.4 sq metres). No details are provided as to the end user but it would be capable of providing up to 210 covers.
9. Access to the Block A and the restaurant would be from Rye Lane with the entrance to the rear Block B via a gated undercroft.
10. All of the new dwellings would benefit from external amenity space and have access to communal gardens to the rear. The units within block A fronting onto Rye Lane would have winter gardens to give additional protection from the noise and pollution along Rye Lane.

Planning history

11.

<p>13/EQ/0260 Application type: Pre-Application Enquiry (ENQ) Development of the site to form between 17 and 27 residential apartments, new frontage building with commercial ground floor use with residential above, ancillary associated development including access, parking, servicing and landscaping Decision date 30/01/2015 Decision: Pre-application enquiry closed (EQC)</p>
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Planning history of adjoining sites

12. 160 - 162 Rye Lane 12/AP/3804 Planning permission granted 13 February 2013 for the demolition of existing building and redevelopment for a part three-storey and part four storey building to provide three residential units.
13. 191 Rye Lane 12/AP/1072 Planning permission granted 14 October 2013 for the demolition of the existing building and redevelopment for a part three-storey and part four storey building to provide three residential units.
14. 188 Rye Lane 16/AP/2679 Certificate of lawfulness (existing) refused 21 September 2016 for use of current premises as a drinking establishment/nightclub/pool area.

Reason for refusal:

The existing development is not considered to be lawful because it has not been demonstrated, on the balance of probability, that the premises has been in continuous use as a drinking establishment/nightclub/pool area (Sui Generis use class) continuously for the 10 years preceding the date of this application, as required by section 171B(3) of the Town and Country Planning Act 1990 (as amended) to be immune from planning enforcement action. The use of the property as a drinking establishment/nightclub/pool area (Sui Generis use class) is not therefore lawful under section 191 of the Town and Country Planning Act 1990 (as amended).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

15. 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 development on amenity of adjoining occupiers and surrounding area.
 - d) Impact of adjoining and nearby uses on occupiers and users of proposed development.
 - e) Transport impacts.
 - f) Design of the scheme and setting of nearby listed buildings.
 - g) Impacts on infrastructure and consideration of planning obligations (S.106 undertaking or agreement).
 - h) Mayoral and Southwark community infrastructure levy.
 - i) Sustainable development implications.

Planning policy

16. National Planning Policy Framework (the Framework)(NPPF)
 Part 2 Vitality of town centres
 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 in particular paras 118, 123, 121 and 124 (biodiversity, noise, contamination, air quality)
 Part 12 Conserving and enhancing the historic environment
 Para 173 – 177 – Ensuring viability and deliverability
 Para 203-206 Planning obligations and conditions
17. London Plan July 2015 consolidated with alterations since 2011
 Policy 2.5 Town centres
 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 4.3 Mixed use development and offices
 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 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.15 Water use and supplies
 Policy 5.17 Waste capacity
 Policy 5.21 Contaminated land
 Policy 6.1 Strategic approach
 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 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 8.2 Planning obligations

18. 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 3 - Shopping, leisure and entertainment
 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

19. Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark planning policy with the National Planning Policy Framework (NPPF). 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 1.7: Development within town and local centres
 Policy 2.5: Planning obligations
 Policy 3.1: Environmental effects
 Policy 3.2: Protection of amenity
 Policy 3.3: Sustainability assessment
 Policy 3.4: Energy efficiency
 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 3.19: Archaeology
- Policy 3.28: Biodiversity
- 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
- Policy 5.7: Parking standards for disabled people and the mobility impaired

Principle of development

- 20. The site lies within the Peckham Town Centre and the Peckham Core Action Area. A mixed use development at this location is therefore consistent with the vision of the area as set out in the core strategy and Peckham and Nunhead Action Area Plan.
- 21. Density
Core strategy policy 5 sets out that in the urban density zone densities should be within the range of 200-700 habitable rooms per hectare.
- 22. The overall density of the proposal taking account of the commercial floorspace would result in a density of approximately 492 habitable rooms per hectare (hrph). This is within the density range set out in the Core Strategy policy 5.
- 23. Dwelling Mix
The development would provide a mix of 45.5% one-bedroom units, 40.9% two-bedroom units and 13.6% three-bedroom. This would result in a 5.5 % over-provision of one-bedroom units contrary to SP Policy 7 of the Core Strategy. Two wheelchair units are provided which equate to 12% of the total number of habitable rooms.

 - 10 x 1 bed
 - 9 x 2 bed and
 - 3 x 3 bed
- 24. The dwelling mix is not in strict compliance with Strategic Policy 7 and Saved Southwark Plan Policy 4.3. However the quality of accommodation being provided is considered to be generously proportioned with good levels of light and outlook and all of the units have their own private amenity space. The flat sizes and amenity spaces are detailed in the table below;

25.

Unit Type/ Tenure	Floorspace Sq. metres	National Standards floorspace Sq. metres	Amenity Space Sq. metres
Block A			
First Floor			

1bed (2P) (A)	51	50	5.8
1bed (2P) (A)	52	50	4.0
Second Floor			
1bed (2P) (A)	51	50	5.8
1bed (2P) (A)	52	50	4.0
Third Floor			
3 bed (5P) (A)	86	86	8.43
Block B			
Ground Floor			
2bed (3P) w/c (P)	79	61	30
2 bed (4P) (P)	75	70	20
3 bed (5P) wc (P)	97	86	16
First Floor			
1 bed (2P) (A)	50	50	5
1 bed (2P) (P)	51	50	6
2 bed (4P) (P)	72	70	7
2 bed (4P) (P)	75	70	8
2 bed (4P) (P)	71	70	8
Second Floor			
1 bed (2P) (P)	50	50	5
1 bed (2P) (P)	51	50	6
2 bed(4) (P)	72	70	7
2 bed (4) (P)	75	70	8
2 bed (4) (P)	71	70	8
Third Floor			
1 bed (2P) (P)	50	50	6
1bed (2P) (P)	50	50	6
2 bed (4P) (P)	79	70	44
3 bed (5P) (P)	87	87	17

26. Affordable Housing

Strategic policy 6 of the Core Strategy requires a minimum of 35% affordable housing for all schemes of 10 or more residential units. The 2008 Affordable Housing SPD and draft 2011 Affordable Housing SPD give further guidance on the issue and clarify that we will consider this in relation to the proportion of habitable rooms that are provided across the development.

27. The applicant submitted a viability report. The results of the viability assessment demonstrated that the proposal as submitted could support a 23% policy compliant scheme with a split between social rent and shared ownership. With a shared ownership only offer this could be increased to 28%.
28. The applicant therefore agreed to provide an additional unit as affordable which took the total number of units to 6 and 14 habitable rooms providing 28% as affordable with a shared ownership tenure. This is in accordance with the assessment of the submitted viability report.

Environmental impact assessment

29. An environmental statement would not be required with this application as the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The sites fall below the 0.5ha

threshold (being 0.12ha). Officers consider that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size, and location based upon a review of Schedule 2 Development.

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

30. 188 Rye Lane – Canavan’s
This building immediately adjoins the site to the north, the ground floor of the site has full site coverage with a high boundary on application site which consists of a brick wall and fencing up to the first floor. The application would extend around 12 metres deeper than the upper floors of this building. In terms of daylight all but one of the windows assessed would not meet the recommended vertical sky component, notwithstanding at 23.4% it is only slightly below the 27%. The levels of sunlight reaching these windows would be fully BRE compliant. The proposal would limit the southerly outlook of the windows on the second floor, but given that the overall impacts are within acceptable levels it is not considered that this would be so harmful as to warrant refusal of the scheme.
31. The majority of objections received to the application are in reference to the potential harm to the viability of this venue should planning permission for residential flats adjoining the site be granted. This has been assessed and is dealt with in paragraphs 39-42 of the officer report.
32. 192, 194 and 196 Rye Lane
This terrace has commercial on the ground floors within flats on the first and second floors, it is located to the south west of the application site. Whilst the upper floors of the application site extend further rearward than this terrace, (around 7 metres) the levels of daylight and sunlight received to these windows would fully comply with the BRE guidelines in regard to daylight and sunlight.
33. 7 Sternhall Lane
The dwelling forms part of a terrace of Victorian cottages to the south of the site with windows overlooking the existing rear yard. The resident has raised specific concerns around overlooking of their house and garden. The proposal would impact on this property as the terrace has benefited from an open aspect, having had the yard behind. The windows of the rear block (B) that look directly toward this dwelling would be some 20 metres away. It is noted that there is a terrace approximately 17 metres away, but this would be screened by condition. The windows closest to the boundary of this property have an outlook across the rear of the site. Generally speaking, the proposal is not considered to compromise the privacy or outlook of this dwelling.
34. In respect of the daylight, the accompanying report has reviewed the daylight distribution to this property and this demonstrates that the kitchen and living room located to the rear would receive good levels of daylight, although there may be a reduction in the amount of sky seen from the window.
35. 8 Sternhall Lane
This property adjoins no. 7 and has windows on the rear elevation. Of the 5 windows tested, 2 would comply with the BRE guidance. The ground floor windows would still retain good levels of daylight as the assessment shows that there is only a marginal breach of 0.15 and 0.05. The dwelling has first floor windows on the rear elevation of the main dwelling which would leave a separation distance of over 21 metres between the development and the existing dwelling.

36. 9 and 10 Sternall Lane
The daylight tests demonstrate compliance with the BRE guidance for both of these dwellings, additionally like no. 8 the rear first floor windows are only on the main dwelling - (not the back addition) facing onto the site, therefore there is sufficient distance to maintain residential privacy.
37. Robert Court
This building comprises two blocks ranging from 3 to 4 storeys with commercial on the ground floor and residential above. It is accessed from Sternhall Lane. It presents a blank elevation onto the application site, taking account of the existing use. The rear block of the application scheme takes advantage of the blank elevation and would be located on its boundary, although slightly higher, it is not considered that the proposal would be prejudicial to the residential amenity currently enjoyed by residents within this building. This is borne out by the daylight tests which demonstrate that the level of daylight received to the rooms facing the application site would continue to achieve the recommended levels of light.
38. There are no windows on the shared party wall with the application site and the windows that do look onto the site are at a sufficient distance away from the development such that there would not be any loss of outlook.

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

39. Canavan's is a snooker hall immediately adjoining the application site. Much of the objection received reflects the concern that the business which currently includes music and dance would become vulnerable to closure with the potential for residents living immediately adjoining the site to complain.
40. Whilst it is acknowledged that the use is not strictly lawful in planning terms, it has been operating in this way for a number of years. The applicant has sought to take account of how the building currently operates rather than the authorised use.
41. To this end, the proposal presents a solid brick elevation on the boundary with Canavan's. In addition, the acoustic report submitted with the application would mitigate measures to limit noise exposure to the proposed residential units. The report states that there will be no structural connection or shared party walls between the proposed schemes with Canavan's nightclub, therefore no risk of airborne/structure borne transmission into residential units.
42. Environmental protection are satisfied with this approach but have specified that a condition should be added requesting that a supplementary acoustic report be provided demonstrating isolation of airborne and structure borne noise from the neighbouring nightclub and adequate sound insulation between the proposed basement restaurant (commercial unit) and the residential units.
43. A children's nursery is also in operation on a ground floor premises adjoining the site and concern has been expressed about the affect the proposed development would have on the health of the children and the impact a construction site would have on the business. The effects of any construction project are limited. Overall, the proposed use would be more compatible with a children's nursery than the existing builder's yard. Given the constraints of the site, it is suggested that a construction management plan be provided prior to works commencing on site.
44. Overall, it is considered that subject to conditions the proposal would not be prejudicial to the operation of the existing businesses.

Transport issues

45. Saved Policy 5.1 of the Southwark Plan requires major development to be located near transport nodes. Saved Policy 5.2 states that planning permission will be granted for development unless there is an adverse impact on the transport network unless provision for adequate servicing is made. Saved Policy 5.3 requires that provision is made for pedestrians and cyclists within the development and Saved Policies 5.6 and 5.7 relate to car parking. Core Strategy Strategic Policy 2 - Sustainable Transport re-asserts the commitment to encouraging walking, cycling and use of public transport rather than travel by car and requiring transport assessments with applications to show that schemes minimise their impacts, minimise car parking and maximise cycle parking to provide as many sustainable transport options as possible. The main issues to consider in this case are in relation to car parking, in particular provision for disabled parking to serve the intended wheelchair flats, cycle parking, access and servicing, and mitigation of transport impacts including infrastructure impacts. These matters are addressed below.
46. **Access and servicing**
Servicing for new developments is usually required to take place off-street. However, given the size of this development and site constraints, this is not possible. It is therefore accepted that the use of the existing loading bay adjacent to the development can be used for servicing and that deliveries are undertaken in accordance with the submitted service and delivery plan submitted with the application.
47. **Car parking**
Policy 5.6 of the Southwark Plan states that car parking should be minimised for all development. Appendix 15 of the Southwark Plan establishes that within the urban density zone, residential car parking should be a maximum of 1 space per unit. The site is within a controlled parking zone and the scheme is proposed to be a car free development.
48. A car free development would accord with adopted development plan policies and accordingly this is welcomed. The site is located in a CPZ and in order to prevent additional parking burden in the CPZ, the council would seek to exempt occupiers from applying for parking permits. This would be secured via a condition.
49. **Cycle Storage**
Appendix 15 of the Southwark Plan states that cycle parking provision within the Urban Density Zone should equate to one space per residential unit, plus one space for every ten units as visitor parking. For commercial developments, 1 space per 250sqm of floorspace is required, with a minimum of two spaces. The London Plans cycle guidance is more up to date in relation to non-residential standards and applies to the commercial elements of the scheme. The Sustainable Transport SPD recommends Sheffield stands as the preferred cycle storage method in all cases and request that the applicant makes every attempt to provide these in the design.
50. The scheme provides 60 cycle spaces for residents and visitors in compliance with the London Plan Standards.

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

51. The NPPF underlines the importance of good design and its contribution to the delivery of sustainable development including its social aspect by "*providing the supply*

of housing required to meet the needs of present and future generations; and by creating a high quality built environment"; and its environmental aspect by: "contributing to protecting and enhancing our natural, built and historic environment".

52. Further, in paragraph 56 the NPPF states that: "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*
53. Policy 7.4 of the London Plan states that developments should maximise the potential of sites and provide developments that are attractive to look at and respect the context and character of the locality. Saved Policy 3.12 of the Southwark Plan seeks to ensure that a high standard of architecture and design are achieved in order to enhance the quality of the built environment in order to create attractive, high amenity environments. More specifically, Saved Policy 3.13 requires that the principles of good design are taken into account in all developments in terms of height, scale, massing, layout, streetscape and landscaping and inclusive design. Development proposals should be designed with regard to their local context, making a positive contribution to the character of the area's townscape and providing active frontages.
54. The proposal would demolish the structures to the rear of the site and the existing accommodation within the Victorian terrace whilst retaining the facade. The existing frontage onto Rye Lane will be refurbished. A new traditional timber shopfront will be provided. In response to comments received, the Rye Lane elevation has been redesigned to provide a more fitting design response to the street, by creating winter gardens which would keep the more traditional elements of the facade as well as protecting residents from pollution.
55. The proposal would have a blank frontage onto 188 Rye Lane but this would be undertaken with a decorative brick pattern to maintain some interest, although the view of this blank facade would be limited.
56. In terms of height and massing, the proposal represents the maximum level of development that would be acceptable on the site.
57. Given the existing land use and the current sheds and storage on the land, the proposed reuse of the site for residential and commercial use would represent an improvement to the setting of the conservation area.

Impact on trees

58. The proposal would not impact upon any trees.

Planning obligations (S.106 undertaking or agreement)

59. The proposal would be subject to both Mayoral and Southwark CIL. The levy will be calculated in accordance to the amount of additional new floor space.
60. In addition to the CIL contributions a S106 will be required to pay for the green carbon offset £13,914.

The following highway works (requested by the council's highways development management team) would also be secured as planning obligations:

- Re-paving of footway fronting the development on Rye Lane using materials in accordance with Southwark's Streetscape Design Manual (yorkstone paving slabs and granite kerbs).

- Reinstating the redundant vehicle crossover as footway.

Sustainable development implications

61. 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 application submitted after 1 October 2016 requiring to meet a zero carbon target.
62. The energy statement submitted with the application demonstrates that the proposed scheme would result in a 25.1% reduction in regulated CO₂ emissions on site in line with the guidance provided within the Southwark S106 Planning Obligations and Community Infrastructure Levy (CIL) SPD a payment is required to offset the shortfall. Based on the GLA price of carbon (£60 /tonne/year over 30 years) it is calculated that a payment of £13,914 is required. This would be secured via a Section 106 Agreement.

Other matters

63. **Quality of the residential accommodation**
The proposed accommodation would meet the overall space standards, and would have access to private and communal amenity spaces. The daylight assessment demonstrates that 81% of the rooms would comply with the BRE ADF targets. The rooms that fail to comply, however still maintain levels of daylight that would not be considered so harmful as to warrant refusal of the scheme. Furthermore the more detailed daylight distribution tests show a higher proportion of rooms (93%) would meet the recommendations.

The proposal would provide two areas of communal gardens providing a total of 355m² of open space.

64. **Wheelchair housing and lifetime homes**
All residential development is required to comply with lifetime homes standards and 10% are required to be accessible for wheelchair users, in accordance with Southwark Plan policy 4.2 Quality of residential accommodation, 4.3 Mix of dwellings and the London Plan.

For this scheme, the wheelchair accessible accommodation would comprise 1 x two-bed and 1 x three-bed ground floor flats (total 9 habitable rooms). This equates to 12% by habitable rooms of the overall development this is considered to accord with the 10% requirement.

Conclusion on planning issues

65. Particular regard was had to the impacts of the development on the vitality and viability of the town centre, and to the contribution of the scheme to its local context. It was considered that the mix of uses would be appropriate within the town centre, and that on balance, the tenure mix of housing and the shortfall of affordable housing was sufficiently justified by reference to the financial viability assessment that was submitted.
66. It was considered that a good quality of accommodation would be provided, with access to private and communal amenity spaces and generally good levels of natural daylight.

67. Consideration was given to the objections received around the impact of the proposal upon the adjoining business. Officers are advised that the proposal has taken account of the adjoining use and subject to conditions are satisfied that there will be no conflict between the two uses.
68. The scheme was considered in relation to impacts to neighbours where it was found to not result in harm in terms of overlooking loss of daylight or sunlight or outlook.
69. The scheme would not result in harm in relation to transport impacts, in particular in relation to servicing and as car parking would be minimised.
70. The design and massing of the scheme was found to be acceptable within the context and character of the conservation area and the overall benefits of providing new housing on an existing brown land site was found to be in accordance with national and local planning guidance and policy. It is therefore recommended that the application be approved.
71. In the absence of a signed S106 agreement it is recommended that the application be refused for the following reason;

The benefits of the scheme, for in relation to the provision of general needs housing that would be secured, were not considered to outweigh the harm arising in relation to the absence of a mechanism to secure the affordable housing and other mitigation measures to justify approval of the scheme. It is therefore recommended that planning permission be refused having regard to the policies considered and other material planning considerations.

Community impact statement

72. 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 as the impact of the development upon the existing business at no. 188 Rye Lane.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Conditions to ameliorate these implications are included within the recommendation sheet attached to the report.

Consultations

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

Consultation replies

74. Details of consultation responses received are set out in Appendix 2.
75. Summary of consultation responses:
Of the 125 objections received 104 of them were directly related to the loss of

Canavan's or the potential loss this business as a result of its activities being curtailed by new residential development on its boundary.

4 letters of support have been received praising the use of the site the architecture and the potential to improve the boundary between Canavan's and the existing residential units, and welcoming the provision of a new 'decent sized' restaurant.

The remainder raise more general objections to the scheme:

- Lack of parking
- The location is commercial and should remain this way
- Loss of existing buildings
- We don't need luxury apartments or unaffordable housing
- The development is too big and an overdevelopment of the site
- Disruption during construction.

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 a new commercial unit with new residential 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2732-190 Application file: 15/AP/4857 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	Recommendations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sonia Watson, Team Leader	
Version	Final	
Dated	15 November 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		16 November 2016

APPENDIX 1

Consultation undertaken

Site notice date: 15/01/2016

Press notice date: 24/12/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 07/01/2016

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency
Metropolitan Police Service (Designing out Crime)
Thames Water - Development Planning
Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

207 Rye Lane London SE15 4TP	9 Davids Rd Forrest Hill SE23 3EP
202-204 Rye Lane London SE15 4NF	17 Burdenshott Avenue Richmond TW10 5EE
200 Rye Lane London SE15 4NF	3 Kincaid Road Peckham SE15 5UN
190 Rye Lane London SE15 4NF	7 Lynbrook Grove London SE15 6HN
190a Rye Lane London SE15 4NF	113d Breakspears Road Hereford Hr2 9he
26-27 Sternhall Lane London SE15 4NT	Flat 1 Spring House 8 Dewar Street Se154JJ
Sternhall Lane Surgery 12 Sternhall Lane SE15 4NT	241a Barry Road East Dulwich SE22 0JU
194a Rye Lane London SE15 4NF	18 Hutton Drive Congleton Cheshire cw123ef
176 Rye Lane London SE15 4NF	39 Kirkwood Road Nunhead se15 3xt
178 Rye Lane London SE15 4NF	184 Hollidale se15 2tq
33 Sternhall Lane London SE15 4NT	Flat B Fordham House 72 Clifton Rise London Se14 6jw
192a Rye Lane London SE15 4NF	79 Lyndhurst Way SE15 4PT
180 Rye Lane London SE15 4NF	32 Harcourt Road London SE4 2AJ
25 Sternhall Lane London SE15 4NT	6 Bonsor Street London SE5 7TE
9 Alpha Street London SE15 4NX	Flat 33 Gedling House SE22 8BP
209 Rye Lane London SE15 4TP	144 B Wellfield Road London SW16 2BU
32 Sternhall Lane London SE15 4NT	Flat 7 61 Peckham High Street se15 5eb
8 Sternhall Lane London SE15 4NT	146a Peckham Rye London SE22 9QH
9 Sternhall Lane London SE15 4NT	Flat 7 84 Chandler Way SE15 6GS
215-217 Rye Lane London SE15 4TP	47a Goldsmith Road Peckham SE15 5TF
184-186 Rye Lane London SE15 4NF	173 London SE59PA
188 Rye Lane London SE15 4NF	51c Kings Grove Peckham se15 2ly
211 Rye Lane London SE15 4TP	555 Lordship Lane Flat A SE22 8LB
219 Rye Lane London SE15 4TP	Britwell Lodge Castle Square OX106SD
221 Rye Lane London SE15 4TP	25 Hopewell Yard Hopewell Street SE5 7QS
Second Floor Flat 190a Rye Lane SE15 4NF	Flat B 334 East Street SE17 2SX
Ground Floor 188a Rye Lane SE15 4NF	61 Peckham High Street London SE15 5EB
Shop 213 Rye Lane SE15 4TP	57a Whitbread Road London SE4 2BD
Flat A 11 Alpha Street SE15 4NX	6 Plympton Road London NW6 7EG
Flat 3 194 Rye Lane SE15 4NF	9 Gatcombe House Dog Kennel Hill Estate SE22 8BU
First Floor And Second Floor Flat 202 Rye Lane SE15 4NF	89 Burdett Road, Mile End
First Floor And Second Floor Flat 188 Rye Lane SE15 4NF	19a Throckmorton Road London E16 3DN
225-229 Rye Lane London SE15 4TP	58 Mount Ephraim Lane London sw16 1jd
Part Ground Floor Sternhall Works SE15 4NT	2 Cloonmore Avenue Orpington br6 9lf
First Floor Sternhall Works SE15 4NT	Wolfson House 49 Weston Street
198b Rye Lane London SE15 4NF	76 Peak Hill London se26 4lq

209a Rye Lane London SE15 4TP
 192b Rye Lane London SE15 4NF
 198a Rye Lane London SE15 4NF
 7 Sternhall Lane London SE15 4NT
 27 Sternhall Lane London SE15 4NT
 1a Mcdermott Road London SE15 4NZ
 Flat 1 194 Rye Lane SE15 4NF
 Flat 2 204 Rye Lane SE15 4NF
 Flat 2 194 Rye Lane SE15 4NF
 Flat 1 204 Rye Lane SE15 4NF
 First Floor And Second Floor Flat 192a Rye Lane SE15 4NF
 First Floor Flat 190a Rye Lane SE15 4NF
 Flat B 11 Alpha Street SE15 4NX
 31 Sternhall Lane London SE15 4NT
 Unit A 4 Sternhall Lane SE15 4NT
 1 Robert Court 4 Sternhall Lane SE15 4BE
 2 Robert Court 4 Sternhall Lane SE15 4BE
 Flat 3 Coopers Works SE15 4NQ
 Flat 8 Coopers Works SE15 4NQ
 7 Robert Court 4 Sternhall Lane SE15 4BE
 8 Robert Court 4 Sternhall Lane SE15 4BE
 9 Robert Court 4 Sternhall Lane SE15 4BE
 6 Robert Court 4 Sternhall Lane SE15 4BE
 3 Robert Court 4 Sternhall Lane SE15 4BE
 4 Robert Court 4 Sternhall Lane SE15 4BE
 5 Robert Court 4 Sternhall Lane SE15 4BE
 Flat 5 Coopers Works SE15 4NQ
 Flat 6 Coopers Works SE15 4NQ
 Flat 7 Coopers Works SE15 4NQ
 Flat 4 Coopers Works SE15 4NQ
 First Floor 223-229 Rye Lane SE15 4TZ
 Ground Floor 223-229 Rye Lane SE15 4TY
 Flat 1 Coopers Works SE15 4NQ
 Flat 13 Coopers Works SE15 4NQ
 Flat 14 Coopers Works SE15 4NQ
 Flat 2 Coopers Works SE15 4NQ
 Flat 12 Coopers Works SE15 4NQ
 Flat 9 Coopers Works SE15 4NQ
 Flat 10 Coopers Works SE15 4NQ
 Flat 11 Coopers Works SE15 4NQ
 182 Rye Lane London SE15 4NF
 192 Rye Lane London SE15 4NF
 194 Rye Lane London SE15 4NF
 First Floor Flat 213a Rye Lane SE15 4TP
 180a Rye Lane London SE15 4NF
 Flat 4 204 Rye Lane SE15 4NF
 T And S Afro Cosmetics 213a Rye Lane SE15 4TP
 28 Sternhall Lane London SE15 4NT
 29 Sternhall Lane London SE15 4NT
 30 Sternhall Lane London SE15 4NT
 11 Sternhall Lane London SE15 4NT
 196 Rye Lane London SE15 4NF
 198 Rye Lane London SE15 4NF
 10 Sternhall Lane London SE15 4NT
 Flat 1 207 Rye Lane SE15 4TP
 Flat 2 207 Rye Lane SE15 4TP
 Flat 1 180 Rye Lane SE15 4NF
 First Floor Flat 10 Alpha Street SE15 4NX
 10 Robert Court 4 Sternhall Lane SE15 4BE
 11 Robert Court 4 Sternhall Lane SE15 4BE
 Ground Floor Flat 10 Alpha Street SE15 4NX
 Flat 6 180 Rye Lane SE15 4NF
 Flat 7 180 Rye Lane SE15 4NF
 Flat 8 180 Rye Lane SE15 4NF
 Flat 5 180 Rye Lane SE15 4NF
 Flat 2 180 Rye Lane SE15 4NF
 Flat 3 180 Rye Lane SE15 4NF
 Flat 4 180 Rye Lane SE15 4NF
 178 Peckham Rye East Dulwich SE22 9QA
 213a Rye Lane London se15 4tp
 9 Gairloch Road London SE5 8NG
 Canavan'S Peckham Pool Club -Peckham se15 4nf
 Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
 293 Druid Street London se1 2xn
 22a Whorlton Road Peckham se15 3pd
 26 Whorlton Road Peckham SE153PD
 30 Gowlett Road London SE15 4HY
 111 Coleman Road London Se57ff
 4 Matham Grove London Se228pn
 1 Sedgewick House Limpsfield Avenue SW19 6DJ
 46 Rowan Court Peckham SE156PE
 114 Peckham High Street Peckham Se15 5ed
 2a Whorlton Road London SE15 3PD
 55 Cossall Walk London SE15 2TN
 Devonshire Road London SE233TH
 62 Cronin Street London SE15 6JH
 60b Bovill Road London SE231EU
 23 Ravensbourne Road Bromley Br11hn
 Flat 178 Bellenden Road Flat 178 SE15 4BW
 17 Brackley Ave Nunhead Se15 3le
 165a Herne Hill London Se24 9lr
 27 Harefield Road London SE4 1LW
 62 Wood'S Road London SE15 2SW
 1 Devonia Road, London London
 15 Whitmore Gardens Kensal Rise NW105HG
 135b Bellenden Road Peckham SE15 4DH
 49 Weston Street London se1 3rb
 9 Shottfield Avenue, East Sheen London Sw14 8ea
 21 Lyndhurst Way Peckham SE155AG
 18 Marmont Road SE15 5TE
 17 Ivanhoe Road London se5 8dh
 8 Park House Camberwell Green Se5 7pp
 158 Woodwarde Road London SE22 8UR
 3 Montpelier Road London SE15 2HB
 171 Crofton Park Road Honor Oak SE4 1AJ
 54 Atlantic Road London SW9 8PZ
 42a North Cross Road East Dulwich SE22 9EU
 Flat 2 195-197 Rye Lane SE15 4TP
 12 Portman Close Kent da5 2aq
 11 Parkhouse Street Camberwell SE5 7TQ
 76-8 Montpelier Road London SE15 2HE
 131 Kirkwood Road London SE15 2BG
 12 Baytree Road Brixton SW2 5RP
 63 Mersey Road London E17 5LA
 Flat 11 Jacobs Island House London SE16 3FH
 22 Pendrell Road London SE42PB
 1 Halliwell Rd London SW2 5HB
 33 Coll'S Road London SE15 2NU
 2nd Floor 27b Belfast Road N16 6UN
 24 Callander Road London se6 2qd
 Flat 3 120 Drury Lane WC2B5ST
 11 Sartor Road Peckham SE15 3BB
 8 Bemsted Rd London e17 5jz
 84 Southstands Apartments Highbury Stadium Square
 38 Parkgate Road Battersea SW11 4NW
 22 Palfrey Court London SE5 7NR
 Apartment 7b Hexham Mews W8 6JW
 Flat 2, Karen Court 203 Grove Lane SE5 8DA
 Flat 23 Strickland Court Fenwick Road se15 4hp
 7 Castle Place London NW18PS
 75b Manor Avenue London SE4 1TD
 57 Old Compton Street Soho W1D 6HP
 4a Claremont Villas Southampton Way Se5 7ss
 16 Culmington Road London CR2 6DR
 11 Bemerton Street N1 0BS
 15 Kilner House Clayton Street Se115se
 Flat 18, Saxonbury Court, Camden Road, London N7 0LE
 34c Breakspears Road Brockley SE4 1UW
 16 Amesbury Avenue London SW2 3AA
 Room 100 Surrey House SE14 6PB
 145a New Cross Road London SE14 5DJ
 243b Underhill Road London se220pb
 Flat C, 3 The Market Choumert Road SE15 4BG
 8 Sternhall Lane London SE15 4NT
 Flat 4, 50 Kelly Avenue Peckham SE15 5LH
 19a Letzen Road SS8 9AW
 67 Danby Street London SE15 4BT
 9 Kempshott Road London SW16 5LG

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

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

Statutory and non-statutory organisations

Environment Agency
Thames Water - Development Planning

Neighbours and local groups

Apartment 7b Hexham Mews W8 6JW
Britwell Lodge Castle Square OX106SD
Canavan'S Peckham Pool Club -Peckham se15 4nf
Devonshire Road London SE233TH
Email representation
Email representation
Email representation
Email representation
Email representation
Flat B Fordham House 72 Clifton Rise London Se14 6jw
Flat B 334 East Street SE17 2SX
Flat C, 3 The Market Choumert Road SE15 4BG
Flat 1 Spring House 8 Dewar Street Se154JJ
Flat 11 Jacobs Island House London SE16 3FH
Flat 178 Bellenden Road Flat 178 SE15 4BW
Flat 18, Saxonbury Court, Camden Road, London N7 0LE
Flat 2, Karen Court 203 Grove Lane SE5 8DA
Flat 2 195-197 Rye Lane SE15 4TP
Flat 23 Strickland Court Fenwick Road se15 4hp
Flat 3 120 Drury Lane WC2B5ST
Flat 33 Gedling House SE22 8BP
Flat 4, 50 Kelly Avenue Peckham SE15 5LH
Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
Flat 7 61 Peckham High Street se15 5eb
Flat 7 84 Chandler Way SE15 6GS
Room 100 Surrey House SE14 6PB
1 Halliwell Rd London SW2 5HB
1 Sedgewick House Limpsfield Avenue SW19 6DJ
11 Bemerton Street N1 0BS
11 Parkhouse Street Camberwell SE5 7TQ
11 Robert Court 4 Sternhall Lane SE15 4BE
11 Sartor Road Peckham SE15 3BB
111 Coleman Road London Se57tf
113d Breakspears Road Hereford Hr2 9he
114 Peckham High Street Peckham Se15 5ed
12 Baytree Road Brixton SW2 5RP
12 Portman Close Kent da5 2aq
131 Kirkwood Road London SE15 2BG
135b Bellenden Road Peckham SE15 4DH
144 B Wellfield Road London SW16 2BU

145a New Cross Road London SE14 5DJ
146a Peckham Rye London SE22 9QH
15 Kilner House Clayton Street Se115se
15 Whitmore Gardens Kensal Rise NW105HG
158 Woodwarde Road London SE22 8UR
16 Amesbury Avenue London SW2 3AA
16 Culmington Road London CR2 6DR
16 Culmington Road London CR2 6DR
165a Herne Hill London Se24 9lr
17 Brackley Ave Nunhead Se15 3le
17 Burdenshott Avenue Richmond TW10 5EE
17 Burdenshott Avenue Richmond TW10 5EE
17 Burdenshott Avenue Richmond TW10 5EE
17 Ivanhoe Road London se5 8dh
171 Crofton Park Road Honor Oak SE4 1AJ
173 London SE59PA
18 Hutton Drive Congleton Cheshire cw123ef
18 Marmont Road SE15 5TE
184 Hollidale se15 2tq
19a Letzen Road SS8 9AW
19a Throckmorton Road London E16 3DN
2 Cloonmore Avenue Orpington br6 9lf
2a Whorlton Road London SE15 3PD
2nd Floor 27b Belfast Road N16 6UN
21 Lyndhurst Way Peckham SE155AG
213a Rye Lane London se15 4tp
22 Palfrey Court London SE5 7NR
22 Pendrell Road London SE42PB
22a Whorlton Road Peckham se15 3pd
23 Ravensbourne Road Bromley Br11hn
24 Callander Road London se6 2qd
241a Barry Road East Dulwich SE22 0JU
243b Underhill Road London se220pb
25 Hopewell Yard Hopewell Street SE5 7QS
26 Whorlton Road Peckham SE153PD
27 Harefield Road London SE4 1LW
293 Druid Street London se1 2xn
3 Kincaid Road Peckham SE15 5UN
3 Montpelier Road London SE15 2HB
3 Montpelier Road London SE15 2HB
30 Gowlett Road London SE15 4HY
32 Harcourt Road London SE4 2AJ
33 Coll'S Road London SE15 2NU
34c Breakspears Road Brockley SE4 1UW
38 Parkgate Road Battersea SW11 4NW
39 Kirkwood Road Nunhead se15 3xt
4 Matham Grove London Se228pn
4 Robert Court 4 Sternhall Lane SE15 4BE
4a Claremont Villas Southampton Way Se5 7ss
42a North Cross Road East Dulwich SE22 9EU
46 Rowan Court Peckham SE156PE
47a Goldsmith Road Peckham SE15 5TF
49 Weston Street London se1 3rb
5 Robert Court 4 Sternhall Lane SE15 4BE
51c Kings Grove Peckham se15 2ly
54 Atlantic Road London SW9 8PZ
54 Atlantic Road London SW9 8PZ

55 Cossall Walk London SE15 2TN
555 Lordship Lane Flat A SE22 8LB
57 Old Compton Street Soho W1D 6HP
57a Whitbread Road London SE4 2BD
58 Mount Ephraim Lane London sw16 1jd
6 Bonsor Street London SE5 7TE
6 Plympton Road London NW6 7EG
60b Bovill Road London SE231EU
61 Peckham High Street London SE15 5EB
62 Cronin Street London SE15 6JH
62 Wood'S Road London SE15 2SW
63 Mersey Road London E17 5LA
67 Danby Street London SE15 4BT
7 Castle Place London NW18PS
7 Lynbrook Grove London SE15 6HN
7 Sternhall Lane London SE15 4NT
75b Manor Avenue London SE4 1TD
76 Peak Hill London se26 4lq
76-8 Montpelier Road London SE15 2HE
79 Lyndhurst Way SE15 4PT
8 Bemsted Rd London e17 5jz
8 Park House Camberwell Green Se5 7pp
8 Sternhall Lane London SE15 4NT
9 Davids Rd Forrest Hill SE23 3EP
9 Gairloch Road London SE5 8NG
9 Gatcombe House Dog Kennel Hill Estate SE22 8BU
9 Kempshott Road London SW16 5LG
9 Shottfield Avenue, East Sheen London SW14 8EA