

Item No. 5.2	Classification: Open	Date: 19 December 2016	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 16/AP/0131 for: Full Planning Permission Address: 213 RYE LANE, LONDON SE15 4TP Proposal: Partial demolition of existing buildings and redevelopment to provide buildings ranging from 1 to 7 storeys in height accommodating ground floor commercial space (Class A1/B8) with 40 residential units above (Class C3), raised amenity courtyard together with associated blue badge car parking and cycle parking.		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date 18/03/2016		Application Expiry Date 17/06/2016	
Earliest Decision Date 23/04/2016			

RECOMMENDATIONS

1. That planning permission be granted subject to a legal agreement.
2. That in the event that the legal agreement is not completed by 31 March 2017, the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 107 of the report.

Site location and description

3. The site measures approximately 0.14 hectares (ha). It comprises a two storey shop (213 Rye Lane) occupied by Lobo Seafood and an access strip between 213a and 215 Rye Lane. The site extends to the rear of 213 to 223-227 Rye Lane where 213 Rye Lane is adjoined by a tall single storey warehouse which part serves as a store for the shop and part serves for storage for distribution off site. It has an ancillary office and yard. The yard adjoins a vehicular access which serves adjoining sites on Rye Lane/Copeland Road to the rear and which has a crossover onto Copeland Road.
4. The site lies within an area of various land uses, building styles and heights. Rye Lane generally features commercial (retail) ground floor uses with residential accommodation above at 2-4 storeys in height. The adjoining property to the north on Rye Lane is a three storey property with a shop on the ground floor and no. 213a Rye Lane which sits to the south of no. 213 but is adjoined by the access to the site is two storeys with a shop on the ground floor. To the south (215-119 Rye Lane) is a three storey commercial/residential building. Continuing counter clockwise is the Nags Head public house with residential accommodation above. To the south-east at the junction with Copeland Road and Heaton Road is 237-237 Copeland Road where a 4-7 development including 27 flats (with commercial on the ground floor) is well underway. To the east (and to the rear of the site) is the Copeland Road car park (and ball court) where planning permission has recently been granted (subject to a legal agreement) for a 4-8 storey development of 67 flats (and ancillary amenity and access areas). To the north the site adjoins Bournemouth Close and the site of a single storey market, Peckham Palms, (planning permission 16/AP/1991

granted 25.07.2016) and to the north east (and some 3m from the north east corner of the site) is no. 5 Hazel Close and the 2 storey terraced dwellings of the Atwell Estate.

5. The site is within the Rye Lane Conservation Area, an air quality management area, urban density zone and major town centre. There are no listed buildings at or in the vicinity of the site. The site lies in the Peckham and Nunhead Action Area Core in the Peckham and Nunhead Area Action Plan 2014.
6. The site has excellent public transport accessibility, with a PTAL rating of 6a. Within a 5 minute walk is Peckham Rye railway station. The site is close to over four main bus stops. These lie within an 8 minute walk radius and provide 14 different bus services.

Details of proposal

7. The application seeks full planning permission for the demolition and partial retention of existing buildings and the redevelopment of the site to provide buildings ranging from 1 to 7 storeys in height comprising ground floor commercial space (Use Class A1/B8) with 40 residential units (Use Class C3), a raised (1st floor) amenity courtyard together with 2 disabled car parking, residential and commercial refuse/recycling stores, a plant room and 66 cycle parking spaces.
8. The proposals comprise 2 mixed use blocks, which can be summarised as follows:

Block A: Essentially occupying the site of the existing retail unit on Rye Lane (although a single storey element would extend to the rear of the Rye Lane properties) this would be 4 storeys in height with 3 residential units above the ground floor shop. The existing front elevation (with stone columns and pediment) would be retained and the new second and third storeys, which would be of light cream and red textured brick, set back behind the front elevation.

Block B: Rectangular in plan form (although set back from Bournemouth Close on the part fourth, fifth and six floors) this would be 7 storeys in height with 37 residential units on the part ground and 6 upper floors. It would have balconies on the front (west facing), rear (east facing) and north facing elevations and windows in the south elevation.

9. The existing shop unit (174 sq m) in 213 Rye Lane would be retained and a total of 224 sq m of A1/B8 floorspace would be provided on the ground floor of the seven storey development to the rear.
10. The 40 residential units to be provided over the entire development would consist of:

Unit Type	Number	Percentage
1 bed 2 person	13	32.5 %
1 bed 2 person (wheelchair)	1	2.5 %
2 bed 3 person	4	10 %
2 bed 3 person (wheelchair)	2	5 %
2 bed 4 person	12	30 %
3 bed 4 person	3	7.5 %
3 bed 5 person	5	12 %

11. Linking the two blocks and immediately to the rear of the Rye Lane properties would be a single storey element which would contain the warehouse (224 sq m) for the retail unit on Rye Lane and a plant room, both with an external servicing area accessed in turn by the vehicular access off Copeland Road.
12. The ground floor of the seven storey element would also comprise 3 flats (1 x 1 bed 2 person wheelchair and 2 x 2 bed 3 person wheelchair). These would have patios which

would be separated from the ball court in the Copeland Road car park residential development.

13. The first floor of the front element would comprise 1 x 3 bed 5 person flat.
14. The first floor of the seven storey element would comprise 3 x 1 bed 2 person flats and 4 x 2 bed 4 person flats.
15. The roof of the ground floor element would be hard and soft landscaped and it would be accessible for the occupiers of the first floor flats in the 7 storey block.
16. The second floor of the front element would comprise 1 x 3 bed 5 person flat.
17. The second floor of the seven storey element would comprise 3 x 1 bed 2 person flats, 1 x 2 bed 3 person flat, 2 x 2 bed 4 person flats and 1 x 3 bed 5 person flats.
18. The third floor of the front element would comprise 1 x 2 bed 4 person flat.
19. The third floor of the seven storey element would comprise 2 x 1 bed 2 person flats, 1 x 2 bed 3 person flats and 3 x 2 bed 4 person flats.
20. The fourth floor of the seven storey element would comprise 2 x 1 bed 2 person flats, 1 x 2 bed 3 person flat, 2 x 2 bed 4 person flats and 1 x 3 bed 4 person flats.
21. The fifth floor of the seven storey element would comprise 3 x 1 bed 2 person flats, 1 x 2 bed 4 person flat and 1 x 3 bed 4 person flat.
22. The sixth floor of the seven storey element would comprise 1 x 1 bed 2 person flat, 1 x 2 bed 4 person flat and 1 x 3 bed 5 person flat.
23. The architectural design would incorporate traditional and modern features with the existing brick facade to no. 213 with its stone pediment and columns being retained. A new stone framed entrance would be inserted in the centre of the glazed shopfront and the new second and third floor elements would be of yellow brick, with red feature brick.
24. The seven storey block would be rectilinear in form and would essentially be of yellow brick, with protruding courses/panels of red brick, full height glazing, balustraded balconies and aluminium framed clear and opaque glazing.
25. The existing access strip between 213a and 215 would be used to form a stairwell to the amenity platform and entrance to the flats on the first floor of the seven storey block. The ground floor units would be accessed by way of an entrance gate onto Bournemouth Close on the north side of the site. Two enclosures for 66 cycle parking spaces would be provided (both adjacent to the accesses to the residential units) and 4 visitor cycle parking spaces would be provided within the residential entrance to the first to seventh floors.
26. The only car parking spaces are the 2 x blue badge spaces provided at grade fronting Bournemouth Close which are to be allocated for the wheelchair accessible units. The access arrangement to the commercial element are as existing, with customers walking into the shop from Rye Lane and goods delivery to and from the warehouse from the rear access to Copeland Road.

Planning history

27. There is no relevant planning history for this site.

Planning history of adjoining sites

28. 16/AP/3503 - Copeland Road car park (and ball court) - Erection of 67, one, two and

three bedroom flats within 4 - 8 storey development with associated parking, cycle and refuse/recycling stores and landscaping including re-provision of (enlarged) ball court. Granted (subject to a legal agreement) 08.11.2016.

29. 16/AP/1991 - Bournemouth Close (Land at the rear of 177-207 Rye Lane) - Development to provide a mix of retail (Use Class A1) with associated food and beverage (Use Class A3/A4/A5) uses and business (Use Class B1) and community facilities (Use Class D1). Granted 25.07.2016
30. 13/AP/2311 - former car wash site, 237-247 Rye Lane - Demolition of two existing retail units at 237 and 239 and car-wash site, and erection of a four to seven storey building comprising services and retail space at ground level, with 27 new residential units above. Allowed on appeal 09.09.2014
31. 10/AP/1735 - 221 Rye Lane - Erection of 1st, 2nd, and 3rd floor extension above existing ground floor for Class A2 financial and professional services use; basement extension providing ancillary accommodation and bicycle storage; new shopfront. Granted with unilateral undertaking 16.08.2010.
32. 09/AP/1808 - 211 Rye Lane - Construction of first and second floor extensions to form a residential flat above ground floor commercial unit including alterations to the existing ground floor layout to provide an entrance way, cycle storage and refuse storage for the residential unit above, located at the rear. Granted 12.10.2009.
33. 07/AP/2145 - Construction of a first and second floor extension and an extension at third floor, set back from the main walls of the building, to form 1 x 2 bedroom and 4 x 1 bedroom residential units. This includes alterations to the existing ground floor layout to provide cycle storage and refuse storage for the upper level flats; retention of retail use on ground floor. Granted 31.12.2007.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

34. The main issues to be considered in respect of this application are:
 - a) Principle of land use
 - b) Density of development
 - c) Amount, mix, type and standard of accommodation
 - d) Affordable housing (number and tenure)
 - e) Effects on amenity of adjoining occupiers and surrounding area
 - f) Transport and car parking
 - g) Design, including building heights and massing
 - h) Planning obligations (section 106 undertaking or agreement)
 - i) Community infrastructure levy
 - j) Sustainable development implications
 - k) Flood risk.

Planning policy

35. National Planning Policy Framework (the Framework)

Section 1 - Building a strong, competitive economy
Section 2 - Ensuring the vitality of town centres
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 10 - Meeting the challenges of climate change, flooding and coastal change;
Section 12 - Conserving and enhancing the historic environment.

36. London Plan July 2015 consolidated with alterations since 2011

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 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use scheme
Policy 3.16 Protection and enhancement of social infrastructure
Policy 5.1 - Climate change mitigation;
Policy 5.2 - Minimising carbon emissions;
Policy 5.3 - Sustainable design and construction;
Policy 5.7 - Renewable energy;
Policy 5.12 Flood risk management;
Policy 5.13 Sustainable drainage;
Policy 5.15 Water use and supplies
Policy 5.21 Contaminated land
Policy 6.5 - Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 - Cycling;
Policy 6.10 Walking;
Policy 6.13 Parking;
Policy 7.1 - Lifetime neighbourhoods
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 8.2 - Planning obligations.

37. Core Strategy 2011

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

Southwark Plan 2007 (July) - saved policies

38. 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. 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 - 1.4 Employment Sites Outside the Preferred Office Locations and Preferred Industrial Locations

Policy - 2.5 Planning Obligations

Policy - 3.1 Environmental Effects

Policy - 3.2 Protection of Amenity

Policy - 3.3 Sustainability Appraisal

Policy - 3.4 Energy Efficiency

Policy - 3.6 Air Quality

Policy - 3.7 Waste Reduction

Policy - 3.10 Hazardous Substances

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 - 3.19 Archaeology

Policy - 4.1 Density of Residential Development

Policy - 4.2 Quality of Residential Development

Policy - 4.3 Mix of Dwellings

Policy - 4.4 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.

39. Peckham and Nunhead Area Action Plan (2014)

Policy 15: Residential Parking

Policy 16: New Homes

Policy 17: Affordable and private homes

Policy 18: Mix and design of new homes (including minimum dwelling sizes).

40. Supplementary Planning Documents

Section 106 Planning Obligations and Community Infrastructure Levy (2015)

Development Viability 2016

Affordable Housing 2008

Residential Design Standards (2015 Technical Update).

Consultation Responses

41. 14 letters of objection were received. Objections raised relate to:

- Inadequate level of affordable housing included/non compliance with affordable housing policy
- Inappropriate size and scale of development

- Inappropriate height/inappropriate to context of Rye Lane Conservation Area
 - Inadequate local infrastructure and access to local services. The pressures on schools, health services, water supply and sewage etc. have not been reflected in these developments; nor the access to maintain new buildings or to support other activities that take place within or around them.
 - Adverse effect on amenity of surrounding occupiers
 - Adverse effect on local businesses
 - Inadequate provision of three bedroom units
 - Inappropriate design.
42. Letter of objection from the Peckham Society. The letter refers to the original appearance of 213 Rye Lane and the scale, form and style of buildings in the Conservation Area. Concerns raised regarding inappropriate height and impacts on the appearance of the Conservation Area.
43. One letter of support received. The letter mentions benefits of regeneration of site, provision of new housing, and support for local businesses.
44. Consideration of all the above comments is included within the assessment of the relevant planning considerations below.

Principle of land use

45. The proposal would involve a reduction in the Class B8 (warehouse) floorspace on the site (by 417 sq m) and it therefore needs to be considered in the context of saved policy 1.4 of the Southwark Plan 2007 ('Employment Sites Outside the Preferred Office Locations and Preferred Industrial Locations').
46. Policy 1.4 states:
- 'Development will be permitted provided that the proposal would not result in a net loss of floorspace in Class B use. An exception to this may be made to this where:
- a) The applicant can demonstrate that convincing attempts to dispose of the premises, either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months, have been unsuccessful; or
 - b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed uses including B Class use, having regard to physical or environmental constraints; or
 - c) The site is located within a town or local centre, in which case in accordance with saved policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floorspace is proposed, the additional floor space may be used for suitable mixed or residential use.'

47. The site is located in Peckham town centre and policy 1.7 ('Development within town and local centres') indicates that residential uses of existing employment space is acceptable in a town centre.

48. The planning statement which accompanies the application advises that the existing warehouse is linked to the existing fish shop and not used for separate 'stand-alone'

warehouse purposes. The proposal includes the re-provision of warehouse floorspace (223.5 sq m) to meet the needs of the business, the existing warehouse being under-used. As the proposal includes warehouse floorspace to meet the needs of the existing business and there would be no loss of a potential free-standing warehouse for an alternative use, there would be no loss of employment potential on the site and there is no conflict with London Borough of Southwark policies for the protection of certain, suitable employment floorspace. An objection was raised on grounds of the impact upon local business. The A1 (shop)/B8 (warehouse) elements would not involve a change of use at the site, they would be consistent with the existing uses and retail/business nature of the town centre and the proposal would not be contrary to the council's employment objectives for Peckham town centre.

49. The provision of new residential units at the site would contribute to the Core Strategy requirement for 24,450 new homes in the Borough between 2011 and 2026 and the requirement for 1,500 new homes in the Peckham and Nunhead Core Action Area between 2011 and 2026.

Density of development

50. Southwark's strategic policy 5 stresses the importance of the quality of residential and mixed-use developments; that they should protect the character of the borough while creating places where people want to live. Proposals in the Urban Zone should fall within a density range of between 200-700 habitable rooms per hectare and that in Action Areas Cores, the maximum density designated for the zone may be exceeded where the development is of an exemplary standard of design.
51. PNAAP policy 16 states that in the Peckham Core Action Area, the maximum density of 700 hr/ha may be exceeded where developments are of an exemplary design.
52. The area of the site has been measured at 0.14 hectares on the council's GIS mapping system and the proposal, which would comprise 113 habitable rooms, is calculated to have a density of 807 habitable rooms per hectare. This would exceed the recommended density range for the Urban Zone in the London Borough of Southwark Core Strategy Policy 5 (i.e. 200 – 700 habitable rooms per hectare). However, given the major town centre location, and scale and quantum of development on neighbouring sites, the proposed density is considered to be acceptable.
53. The Copeland Road car park development of 67 new dwellings in a 4-8 storey scheme recently granted approval subject to a legal agreement (ref 16/AP/3503) was at a density of 811 habitable rooms per hectare.

Amount, mix, type and standard of proposed accommodation

54. The number and mix of proposed dwellings would be as follows:
 - 13 x 1 bed 2 person flat (32.5%)
 - 1 x 1 bed 2 person wheelchair flat (2.5%)
 - 4 x 2 bed 3 person flat (10%)
 - 2 x 2 bed 3 person wheelchair flat (5%)
 - 12 x 2 bed 4 person flat (30%)
 - 3 x 3 bed 4 person flat (7.5%)
 - 5 x 3 bed 5 person flat (12%).
55. Policy 18 ('Mix and Design of New Homes') of the Peckham and Nunhead Area Action Plan requires developments of 10 or more residential units in the Peckham Core Action Area to provide a minimum of 20% three/four and five (plus) bedroom units and all residential development to be built to Lifetime Homes Standards. An objection was received on the grounds of a shortfall of three bedroom units. However, comprising 8

three bedroom flats (i.e. 20%) and with all dwellings complying with Lifetime Homes Standards, the proposal would meet policy 18.

56. The sizes of the general needs units would comply with the National Housing Standards as follows:
 - 1 bed 2 person flat - 50 - 53 sq m (National Housing Standard 50 sq m)
 - 2 bed 3 person flat - 61sq m (National Housing Standard 61 sq m)
 - 2 bed 4 person flat - 71 - 81 sq m (National Housing Standard 70 sq m)
 - 3 bed 4 person flat - 85 sq m (National Housing Standard 74 sq m)
 - 3 bed 5 person flat - 89 - 107 sq m (National Housing Standard 86 sq m)
57. The wheelchair units have been designed in accordance with the South East London Housing Partnership Standards.
58. All of the flats would have a private balcony or a terrace with the sizes ranging from 6.3 sq m to 41.3 sq m. The level of private amenity space provision is considered to be appropriate and in accordance with Southwark's Residential Design Standards SPD 2011. A communal terrace measuring 75.6 sq m in area would be provided on the northern side of the building at fifth floor.

Children's playspace/communal amenity space

59. Policy 3.6 ('Children and Young People's Play and Informal Recreation Facilities') of the London Plan 2015 requires new residential development with an estimated child occupancy of ten or more children to make provision for play and informal recreation based on the expected child population generated by the scheme and an assessment of future needs. The need is reinforced in the council's section 106 planning obligations and CIL SPD.
60. The total children's play space requirement can be calculated using the play space calculator provided in the Mayor's Children and Young People's Play and Informal Recreation Facilities SPG. This calculates the requisite play space based on child occupation rates for new dwellings by size and tenure. The size of units by tenure is to be confirmed by the applicant and consequently the exact contribution to children's play space cannot be calculated at the time of writing. It is noted in the recommendation at Appendix 3 that the contribution to children's play space will be included in a legal agreement.

Affordable housing (number and tenure)

61. The council's current affordable housing policies are set out in the saved policies of the Southwark Plan (2007) and the Core Strategy (2011). Further guidance is provided in the Affordable Housing SPD (2008), the Draft Affordable Housing SPD (2011), the Peckham and Nunhead Area Action Plan (2014) and the Development Viability SPD (2016).
62. Within the Peckham and Nunhead Action Area private developments of 10 or more homes should provide a minimum of 35% affordable housing. Policy 4.4 (affordable Housing) of the Southwark Plan 2007 requires new affordable housing in the Peckahm Action Area to be split 30% social rented and 70% intermediate.
63. The mechanism for securing the provision of affordable housing is a legal agreement which would run with the land and would require the owner to provide the requisite affordable housing when the planning permission is implemented.
64. Where an applicant is able to demonstrate that a scheme cannot viably provide a policy compliant level of affordable housing the council may grant planning

permission. Viability must be demonstrated by recourse to a full and transparent viability appraisal and any sub-policy compliant schemes will only be granted planning permission subject to a post implementation viability review to ensure that a proportion of any subsequent uplift in scheme value following the grant of planning permission contributes towards plugging the affordable housing deficit. The Development Viability SPD (2016) provides detailed guidance relating to the assessment of scheme viability.

65. The application has been accompanied by a financial appraisal of the viability of providing affordable housing.
66. The initial financial appraisal provided by the applicant's consultant (undertaken in accordance with the RICS guidance notes) stated that no affordable housing could be delivered without making the development unviable. No affordable housing was therefore (initially) proposed. Several letters received as a result of the statutory neighbour consultation referred to the absence of any affordable housing, contrary to London Borough of Southwark and London Plan requirements/targets.
67. The financial appraisal was scrutinised by the council's consultant who adopted both the RICS approach and the method advocated by the council's Development Viability SPD. Having reconciled both outcomes they concluded that a considerably higher level of affordable housing could be supported on site without adversely affecting the viability of the proposed scheme.
68. Following extensive negotiation the applicant has offered 30% on site affordable housing at the tenure mix required by policy for developments in this area, i.e. 70% intermediate and 30% social rented.
69. The council's consultant, having considered the valuation sensitivities and the unpredictable outcome of any potential appeal, consider that this is the maximum reasonable amount of affordable housing that can be substantiated. The affordable housing would be secured by way of a legal agreement which would be subject to a standard review mechanism.

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

70. The four storey building at the front of the site (i.e. the redevelopment of 213 Rye Lane) would be sited alongside the solid flank walls of the immediately neighbouring properties, 211 and 213a Rye Lane. It would not project beyond the rear elevations of these buildings and it would have no effect on the light, privacy or outlook enjoyed by these properties.
71. The seven storey block would be situated to the rear of the Rye Lane properties (nos. 213a to 235). It would be at an oblique angle to the approved scheme at 237-247 Rye Lane and also the Hazel Close dwellings to the north east. Nevertheless all these properties have been included in the sunlight and daylight analysis which has been undertaken for the proposal.
72. The seven storey block would be only 7m from the first floor windows in the rear elevation of 221 Rye Lane. However, the proposal would be set back on its upper floors on this west facing elevation, with the second and third floor balconies being 9m from the windows on the upper floors at the rear of 221 Rye Lane. On the application drawings the south east block of the proposed development on the Copeland Road car park is shown as being 14.5m from the nearest balcony of the proposal and the north east block is shown as being 19.5m from the nearest balcony of the proposal.
73. The sunlight and daylight analysis which accompanies the application relates to the ten immediately neighbouring properties to the proposed development. The nearest of

these is 213a Rye Lane. This is a commercial property with some residential floorspace on the first floor. It has three first floor windows in its southern elevation which currently look out onto the solid three storey flank wall of 215-219 Rye Lane. The sunlight and daylight analysis notes that these rooms would experience sunlight or daylight reductions in excess of BRE recommended values, i.e. 20%, but that the 20% recommendation relates to suburban development and that in a town centre there is generally a lower expectation in terms of sunlight and daylight.

74. The sunlight and daylight report notes that small bedroom windows within 215-219 Rye Lane would experience 60-70% alterations in daylighting (VSC) as a result of the proposal. The report notes that the principal habitable rooms at this property are located at the front (i.e. onto Rye Lane) and that there is a 'mirror massing' issue at this site in the sense that the existing building (215-219 Rye Lane) is close to the application site and if there was space between this building and the application site then more 'normal' levels of daylight would be achieved.
75. 221 Rye Lane is reported to be in commercial use and a previous planning permission (10/AP/1735) was subject to a condition that windows should be removed from the rear elevation, or obscure glazed, in the interests of the development potential of the site the subject of this application.
76. At 231-235 Rye Lane (the Nags Head public house) two windows are noted as experiencing reduced daylight (VSC) above BRE guidelines but the resulting conditions are not considered to be significantly above those which would be associated with an urban environment.
77. At 237-247 Rye Lane the 4/7 storey development which is under way (planning permission 13/AP/2311) has 15 site facing windows serving 12 rooms. Fourteen windows are fully BRE compliant in terms of its 'vertical sky component' of daylight. One window, which serves a bedroom and therefore has a lesser expectation of daylight, experiences a 24% alteration in VSC which is just a marginal derogation from guidance. The 12 rooms in question do not face within 90 degrees of due south and therefore have not been considered for sunlight amenity.
78. The nearest dwelling in Hazel Close (no. 5) has no windows facing the site and the development would not obscure any of its rooms. A simulated overshadowing assessment which demonstrates that over 50% of the garden of 5 Hazel Close achieves 2 hours of direct sunlight on 21 March, in accordance with BRE guidance.
79. The nearest dwelling with windows towards the site is 6 Hazel Close. This property would experience marginal losses in daylight above BRE guidelines. The living room/kitchen/dining room would experience a 21% reduction in daylight (BRE guidelines recommend no more than 20% reductions) and there is a 28% reduction in daylight in one bedroom. The values are not considered to be excessive for the town centre location. All rooms within 90 degrees of due south retain sunlight levels in accordance with BRE guidelines.
80. The sunlight and daylight analysis extends to the approved scheme for the Copeland Road car park (and ball court). All rooms with windows facing the development at the application site would exceed their target values for daylight. The proposal does not lie within 90 degrees of any south facing windows at this site so there would be no impacts on sunlight.
81. To mitigate against overlooking from the balconies and terraces on the west and north facing elevations of neighbouring properties on Rye Lane and in Hazel Close, a condition relating to the provision of privacy screens is recommended. On the east boundary, where the site adjoins the proposed ball court in the Copeland Road residential development, details of boundary treatment should be secured under a

condition, to safeguard the privacy and amenity of future occupiers.

82. In terms of noise and disturbance there should be no significant objections to the proposal as the proposed use and scale of development would not be considered to be inappropriate given the town centre location and the proposed siting which would involve the front/side elevations of the development facing the neighbouring dwellings and the external community space 'enclosed' by the development at the rear of the site. The re-location of the basketball court would not necessarily result in increased noise and disturbance. However, as this may be used more intensively and it would be sited close to the new buildings, high level acoustic screening would be required.

Transport issues

83. Given the high level of public transport accessibility (the site has a PTAL rating of 6a) the site is considered appropriate for a car-free development in accordance with the council's policies for sustainable transport. As the site lies in a controlled parking zone a condition to prevent future occupiers from obtaining car parking permits is deemed necessary to prevent risks to safety and amenity from demand for on-street parking.
84. A Waste Management Strategy has been submitted. This sets out the volume of waste/recycling storage facilities required by the council, i.e. a total of 4732.5 litres for refuse and 3155 litres for recycling (for the 40 flats). Two separate refuse/recycling areas are proposed for the two residential elements with a total provision of 5060 litres for waste and 3520 litres for recycling.
85. The siting of the commercial and residential refuse/recycling stores would be on the southern side of the development. An internal bin store with an area of 21 sq m would be provided for the residential element and waste/recycling containers are shown for the commercial unit at the entrance to the service yard.
86. Vehicular access for service vehicles would be by way of the existing drive between the Copeland Road car park and the development at 237-247 Rye Lane. This is shown as an access route in the approved scheme (16/AP/3503) for the Copeland Road car park site and subject to the necessary management procedures it would provide adequate vehicular access for service vehicles for the commercial and residential service areas within the application proposal.
87. Details of an enclosure for the commercial bin stores are recommended to be approved as a planning condition in the interests of protecting the amenity of the residential occupiers.
88. The proposal includes 66 residential cycle parking spaces within two purpose built enclosures and 4 visitor cycle parking spaces within the residential entrance. As such it is considered to promote sustainable transport as opposed to the use of cars and the potential for overspill parking in the area would be reduced.

Impact on amenity/living conditions of future occupiers

89. Consideration of size and space requirements is undertaken in 'Standard of proposed accommodation' above.
90. The council's environmental protection team has noted the potential for high levels of ambient noise and atmospheric pollution in the locality and conditions relating to sound proofing and ventilation of the flats are duly attached in the interests of the living conditions of future occupiers.
91. The environmental protection team has also noted that the proposed cold store on the ground floor could result in emissions (noise and odours) which would be harmful to

the amenity of the occupiers of the flats above. Planning conditions relating to details of commercial ventilation systems and sound proofing against commercial have been duly attached.

92. A Phase 1 ground conditions survey has been undertaken and this raises some uncertainties with regard to the concentration of potential contaminants from the warehouse buildings, electricity substation and former smithy located on the site. Metals, hydrocarbons and other potential contaminants could be present in the soil at concentrations above guideline values. These could pose a risk to human health.
93. A planning condition is recommended to secure a Phase 2 investigation with sampling of the site in order to substantiate the possible risks from contamination.
94. The report recommends that an asbestos survey should be conducted prior to the demolition of any buildings to determine the presence and type of asbestos. The Phase 1 ground conditions survey will be an approved document and the asbestos survey should therefore be undertaken accordingly.

Impact on character and appearance of area, including Rye Lane Peckham Conservation Area

95. The proposal is considered to consist of two elements, the first being the re-development of the frontage building (213 Rye Lane) with the retention of its façade on Rye Lane; the second is the six storey (with set-back seventh-storey) block to the rear, on the site of the existing fish warehouse at the rear of the site. The frontage building retains several features of the original shop/commercial building which formed, and still belongs to, the historic centre of Peckham. The fish warehouse at the rear is a brick building of low architectural quality which does not contribute to the character and appearance of the conservation area.
96. The NPPF (2012) sets out how local planning authorities should assess the significance of land and buildings within designated heritage areas (e.g. conservation areas) when assessing development proposals. It then calls for an assessment of the harm that would be caused to the significance of any heritage assets and then, where any harm is deemed to occur, for consideration of the "*public benefits of the proposal, including securing its optimum viable use*".
97. Officers are satisfied that the physical features of the fish warehouse are of negligible significance to the heritage value of the Rye Lane Conservation Area. The fish warehouse is not considered to be of any historic merit or any particular historic significance. Given that a commercial use is to be retained within the ground floor of the new development and that the residential development on the upper floors (and the associated landscaped/amenity areas) would be of a vibrant design quality, there are no objections, from a conservation point of view, to the loss of the warehouse.
98. The proposal does not affect the setting of any listed buildings.
99. The retention of the frontage of 213 Rye Lane is a positive aspect of the scheme and preserves the most historically significant element of the site. The original facade of the frontage building would be retained with the new second and third floor additions being set back. The proposed set-back of the upper floors at the front and the siting of the six/seven storey development at the rear, behind the Rye Lane frontage, and in juxtaposition with recently approved seven/eight storey developments on the Copeland Road car park site and at 237-247 Rye Lane would be appropriate in the context of the Rye Lane Peckham Conservation Area. It would comply with the guidance in the conservation area appraisal - retaining the important historic frontage and not appearing overly dominant in this sensitive historic context.

100. Objections were raised as a result of the neighbour consultation on grounds of the size, scale and appearance of the scheme. However, the views submitted with the application demonstrate that the proposed siting and scale of the backland development would not affect the character and appearance of the conservation area unduly while the frontage building reflects the more modest scale of this southern end of Rye Lane. Sited to the rear of the Rye Lane properties and to the side of the dwellings in Hazel Close the development would not appear unduly overbearing or result in a significant loss of outlook for any existing neighbouring dwellings.
101. The design is simple and functional and the proposed fabric responds to the historic character of the conservation area. Brick is proposed as a facing material for the main body of the buildings. Three tones of brick are proposed to define the base, middle and top of the buildings. A darker tone is proposed for the base, with a mid-tone for the middle and the tops of both buildings are designed in a light London stock-like brick. The set-back top floor of the seven storey block is to be clad in zinc shingles to reflect its roof-like character. The cladding material is appropriate in this context, however the quality of the design will rely to a great degree on the choice of cladding materials and a condition requiring the submission and approval of materials and finished treatment is therefore recommended.
102. In conclusion, the proposal is a high quality design which is appropriate in this context and together with its associated external landscaping it would contribute positively to its place in Peckham. Details of the communal hard and soft landscaped amenity area on the first floor should be secured by way of a planning condition.

Planning obligations (section 106 undertaking or agreement)

103. The provision of the affordable units (assessed in Affordable Housing (Number and Mix) above) would be required to be the subject of a section 106 agreement. The affordable housing would be subject to a standard review mechanism and a deferred affordable housing scheme.
104. Also included as planning obligations would be the provision of the (3) wheelchair standard units and the two wheelchair person parking spaces.
105. Additionally, the contribution to children's playspace in the local area required under policy 3.6 of the London Plan and the council's section 106 planning obligations CPD should also form part of a legal agreement.
106. In the event that a satisfactory legal agreement has not been entered into by 31 March 2017 it is recommended that the Director of Planning refuses planning permission, if appropriate, for the following reason:

'The proposal, by failing to provide for appropriate planning obligations secured through the completion of a Planning Obligations Agreement, fails to ensure adequate provision of mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015).'

Community infrastructure levy

107. The proposal would be liable for mayoral and London Borough of Southwark community infrastructure levy as a number of new residential units (with new floorspace) are proposed. The mayoral and Southwark community infrastructure levy charges would be made upon the commencement of the development. The council's CIL officer has advised that the provision of affordable housing qualifies for CIL relief.

The exact charges would be calculated when the final schedule of accommodation by tenure is known. A neighbour objection was raised on the grounds of increased pressure on social infrastructure (schools, health services, water supply/sewerage etc.) The Southwark CIL is used to fund Southwark services, including education and health, in the borough. The provision of water/sewerage facilities would have to be agreed between the developer and Thames Water.

Sustainable development implications

108. London Plan Policy 5.2 requires a reduction in carbon emissions of 35% below Part L 2013 target. The energy statement submitted with the application concludes that the proposed strategy is to reduce the overall energy demand as far as practically and economically possible, relative to the policy requirements, by implementing energy efficiency measures before applying low carbon and renewable energy technologies.
109. In addition to energy efficient building fabric measures the development would include solar photovoltaic panels and a communal boiler system to supply the development's energy needs. Accordingly a 36% reduction in regulated carbon dioxide emissions over Part L 2013 Building Regulations will be achieved. A condition requiring a BREEAM 'Excellent' rating is recommended in the interests of ensuring that the 35% above Part L carbon reductions are achieved.

Other matters

110. The site is located within Flood Zone 1 (i.e. low risk of flooding) on the Environment Agency flood map and the site area and scale of development do not trigger the need for a flood risk assessment. The proposal would result in a net increase in green surfaced areas on the site and there should therefore be no increase in surface water run-off rates. It would be necessary for the developer to obtain consent from Thames Water before connecting to the sewerage or drainage network.

Conclusion on planning issues

111. The proposal would provide 40 units of housing in accordance with strategic objectives to deliver more housing in the borough, including in the Peckham and Nunhead Action Area. The proposed number and mix of dwellings would be in accordance with the recommendation in the Peckham and Nunhead Action Area Plan and policy SP7 of the London Borough of Southwark Core Strategy. The proposal for 30% affordable housing (by habitable rooms) is supported on financial viability grounds and it would be secured by way of a legal agreement which would include a review upon the commencement of development.
112. The proposal would include the retention of a shop at 213 Rye Lane and warehouse to the rear and there would be no harm to the vitality or character of the protected shopping or the Rye Lane Conservation Area, or on the council's policies for maintaining existing business uses.
113. The size, scale and siting of the development would be in keeping with recent development permitted on immediately neighbouring sites and the proposal would not detract from the heritage assets within the Rye Lane Conservation Area.
114. The size, siting and design would safeguard the amenity of the occupiers of neighbouring residential properties in terms of light, privacy, outlook and security and the development would not cause undue noise or disturbance at any adjoining sites.
115. The A1/B8 floorspace would enable the retention of the existing business at the site and the new dwellings would comply with the council's residential design standards, in terms of size, natural daylight/outlook and the provision of private terraces/balconies.

116. The existing vehicular access at the southern end of the site would provide access for commercial and residential servicing and deliveries and the proposal includes safe pedestrian access for future residents, staff and visitors. With the exception of two disabled person's parking spaces the development would be 'car-free' which is supported in this area with good access to local shops and services and public transport. All the ground floors units (3) would be to wheelchair person standards. The proposals to include 66 on-site cycle parking spaces would comply with London Plan standards and be appropriate given that a car-free development is proposed.
117. A section 106 agreement will be required in respect of the provision of 30% affordable housing (by habitable rooms), the provision of three wheelchair units and a contribution to the provision of children's play space in the local area. It is recommended that planning permission is granted subject to recommended conditions and the completion of an appropriate legal agreement.

Community impact statement

118. 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. The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

121. **Environment Agency:** We have no comments to make on the above proposal, as the proposal appears to fall outside of our remit as a statutory planning consultee. The site is located within Flood Zone 1, which is defined as having a 'low probability' of river and sea flooding. The site is not located within a Source Protection Zone (SPZ)
122. **Metropolitan Police:** No objections. Please note that the proposal should be able to meet 'Secure by Design' standards and request that the applicant is notified of the need to comply (with 'Secure by Design' standards)

Human rights implications

123. 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.
124. This application has the legitimate aim of providing a mixed A1/B8 and residential development of 40 dwellings. 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/2732-213 Application file: 16/AP/0131 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 5428 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Adam Greenhalgh, Planning Officer	
Version	Final	
Dated	6 December 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		8 December 2016

APPENDIX 1

Consultation undertaken

Site notice date: 04/04/2016

Press notice date: 31/03/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 26/04/2016

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

Neighbour and local groups consulted:

215-217 Rye Lane London SE15 4TP
184-186 Rye Lane London SE15 4NF
9 Hazel Close London SE15 4UF
188 Rye Lane London SE15 4NF
207 Rye Lane London SE15 4TP
192a Rye Lane London SE15 4NF
190a Rye Lane London SE15 4NF
190 Rye Lane London SE15 4NF
2 Hazel Close London SE15 4UF
3 Hazel Close London SE15 4UF
11 Hazel Close London SE15 4UF
12 Hazel Close London SE15 4UF
4 Hazel Close London SE15 4UF
7 Hazel Close London SE15 4UF
8 Hazel Close London SE15 4UF
5 Hazel Close London SE15 4UF
6 Hazel Close London SE15 4UF
Ground Floor 188a Rye Lane SE15 4NF
205 Rye Lane London SE15 4TP
Second Floor Flat 190a Rye Lane SE15 4NF
Shop 213 Rye Lane SE15 4TP
225-229 Rye Lane London SE15 4TP
241-247 Rye Lane London SE15 4UA
178 Rye Lane London SE15 4NF
239 Rye Lane London SE15 4TP
180 Rye Lane London SE15 4NF
176 Rye Lane London SE15 4NF
209a Rye Lane London SE15 4TP
First Floor Flat 190a Rye Lane SE15 4NF
First Floor And Second Floor Flat 188 Rye Lane SE15 4NF
192b Rye Lane London SE15 4NF
First Floor And Second Floor Flat 192a Rye Lane SE15 4NF
10 Hazel Close London SE15 4UF
Flat 4 180 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 6 180 Rye Lane SE15 4NF
180a Rye Lane London SE15 4NF
241a Rye Lane London SE15 4NL
Flat 7 180 Rye Lane SE15 4NF
Flat 8 180 Rye Lane SE15 4NF
First Floor 223-229 Rye Lane SE15 4TZ
Ground Floor 223-229 Rye Lane SE15 4TY
Flat 1 207 Rye Lane SE15 4TP
Living Accommodation The Nags Head SE15 4TP
Flat 1 180 Rye Lane SE15 4NF
Flat 2 207 Rye Lane SE15 4TP
209 Rye Lane London SE15 4TP
211 Rye Lane London SE15 4TP
182 Rye Lane London SE15 4NF
192 Rye Lane London SE15 4NF
219 Rye Lane London SE15 4TP
237 Rye Lane London SE15 4TP
1 Hazel Close London SE15 4UF
221 Rye Lane London SE15 4TP
The Nags Head 231-235 Rye Lane SE15 4TP
First To Second Floors 225-229 Rye Lane SE15 4TP
53 Copeland Road London SE15 3SL
T And S Afro Cosmetics 213a Rye Lane SE15 4TP
First Floor Flat 213a Rye Lane SE15 4TP
55 Copeland Road London SE15 3SL
61 Copeland Road London SE15 3SL
57 Copeland Road London SE15 3SL
59 Copeland Road London SE15 3SL
12b Therapia Road London SE220SE
20 Chester Court London Se5 7hn
33 Highshore Road London SE15 5AF
22 Howden Street London SE15 4LB
23 Aura Court 163 Peckham Rye SE15 3GW
96a Friary Rd SE151PX
10 Lyndhurst Square London SE15 5AR
97 Cooperative House 263 Rye Lane Se15 4ur
Flat 21 Nunhead Lane London se15 3ur
Flat 3 76-8 Montpelier Road SE15 2HE
162 Peckham Rye London SE229QH
84 Oglander Road London se15 4en
245 Bellenden Road London SE15 4DQ
178 Peckham Rye Peckham SE22 9QA
91 Leontine Close London SE15 1UH

Re-consultation: 07/06/2016

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
Metropolitan Police Service (Designing out Crime)
Thames Water - Development Planning

Neighbours and local groups

Flat 21 Nunhead Lane London se15 3ur
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