

Item No. 7.3	Classification: Open	Date: 28 February 2017	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/3983 for: Full Planning Permission Address: 56-60 DENMARK HILL, LONDON SE5 8RZ Proposal: Demolition of single storey building to the rear (retrospective), creation of two storey building to accommodate proposed retail space on the ground floor and proposed gym space D1 Use on the first floor. Retention of existing two storey building facing onto Denmark Hill, with existing shop front and two storey building to the rear north-west corner of the site.		
Ward(s) or groups affected:	Camberwell Green		
From:	Director of Planning		
Application Start Date 05/10/2016		Application Expiry Date 30/11/2016	
Earliest Decision Date 05/11/2016			

RECOMMENDATIONS

1. That the application be referred to members for consideration by virtue of the application being called in.
2. That subject to the applicant (or their successors in title) first entering into an appropriate legal agreement (S106) (at no cost to the council) by no later than 28 April 2017, planning permission be granted.
3. In the event that the requirements of part a) are not met by 28 April 2017, the Director of Planning be authorised to refuse planning permission for the reasons set out in paragraph 45.

BACKGROUND INFORMATION

Site location and description

4. The subject site is located to the western side of Denmark Hill, approximately 50m to the north of the intersection with Coldharbour Lane. The site also backs onto Milkwell Yard. It is within a parade of two and three storeys buildings which are predominately retail at ground floor level and offices or ancillary retail space above. The site is roughly rectangular and presently contains two buildings of two storeys. The remaining part of the site has either been demolished or serves at part of the service yard, which has a vehicular access (from a crossover) directly from Denmark Hill. There is access to the rear / side of the building from Milkwell Yard. The site was previous in use a large retail shop (Peacocks).
5. The site is within the:
 - Camberwell Action Area
 - Camberwell Green Archaeological Priority Zone

- Camberwell Green Conservation Area
- Camberwell District Town Centre
- Urban Density Zone
- Air Quality Management Area

Details of proposal

6. Planning permission is sought for the construction of a two storey extension to create new retail floorspace, servicing areas and access to the first floor where a Gym (D2 Use Class) is proposed.
7. The proposed retail area would be 907sqm. An additional 33sqm provided at ground floor would provide access to the gym proposed on the first floor along with a 27sqm store for the gym off Milkwell yard. In total the building at ground floor would be 972sqm.
8. At first floor the proposed Gym (D2 Use Class) would measure approximately 944sqm and would infill the area between the existing buildings that rise to first floor. Access would be from Denmark Hill via a lift and staircase. A plant room would be positioned on the roof.
9. The application has been amended since the original submission to move the refuse / recycling area from the rear with access from Milkwell Yard, to the front. In addition, the demolition that occurred without consent has been included in the description of this development.

10. Planning history

<p>10/AP/0753 Application type: Full Planning Permission (FUL) Installation of a new shopfront including new entrance/exit doors, aluminium cladding to piers and stallrisers, repair works to first floor front windows and internal alterations. Installation of 4 No. air conditioning units to the rear on existing flat roof. Decision date 14/06/2010 Decision: Granted (GRA)</p>
<p>13/AP/3025 Application type: Full Planning Permission (FUL) Construction of ground floor extensions to the existing retail unit to create new retail floorspace and the creation of a refuse / recycling storage area within the front service yard Decision date 07/02/2014 Decision: Granted (GRA)</p>
<p>16/AP/0991 Application type: Variation: non-material changes (VNMC) Non material changes to planning application 13/AP/3025 'Construction of ground floor extensions to the existing retail unit to create new retail floorspace and the creation of a refuse / recycling storage area within the front service yard' to allow the relocation of rear entrance to retail unit and bike store Decision date 14/04/2016 Decision: Agreed - for app types VLA & VNMC (AGR)</p>

Planning history of adjoining sites

11. None considered to be directly relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
- a) The principle of the development
 - b) The design and impact on the character and appearance of the streetscene and conservation area
 - c) The impact on the amenity of neighbouring occupiers
 - d) The impact on the transportation network.

Planning policy

13. National Planning Policy Framework (the Framework)

Section 1 - Building a strong, competitive economy
Section 4 - Promoting sustainable transport
Section 7 - Requiring good design
Section 12 - Conserving and enhancing the historic environment

14. The London Plan 2016

2.9 Inner London

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emission
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.14 Water quality and waste water infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other transport initiative
- 6.9 Cycling
- 6.10 Walking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.3 Community Infrastructure Levy

15. Core Strategy 2011

Strategic Policy 1 - Sustainable Development
Strategic Policy 2 - Sustainable transport
Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

16. The council's cabinet on 19 March 2013, as required by parka 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 p olicies 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 1.7 Development within town and local centres

Policy 1.9 Change of use within protected shopping frontages

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 of accommodation

Policy 3.13 Urban design

Policy 3.14 Designing out crime

Policy 3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites

Policy 5.2 Transport impacts

Policy 5.3 Walking and Cycling

Summary of consultation responses

17. One objection has been received for the application. Matters of concern in this representation include:
- Cycle Storage;
 - Opening Hours;
 - Access Arrangements and use of existing Service Yard;
 - Works on Site;
 - Emergency Access.

18. There were no objections from internal and statutory consultees.

Principle of development

19. The site is within a protected shopping frontage and is located within the Camberwell District Town Centre, and any proposed changes of use would need to accord with Policies 1.7 and 1.9 of the Southwark Plan 2007.
20. Policy 1.7 'Development within town and local centres' states a range of services and uses would be permitted as long as the proposal protects the surrounding amenity, the viability of the centre, is an appropriate use which is highly accessible by public transport and there is sufficient capacity for any additional servicing requirements.

21. While aspects such as transport and servicing are dealt with separately within the report. The only aspect that requires further analysis is iv '*Any floorspace currently in A Class use should be retained or replaced, unless the proposed use provides a direct service to the general public and the proposal would not harm the retail vitality and viability of the centre (where the proposal site is located within a protected shopping frontage, the proposal should comply with Policy 1.9)*'. The proposal is for a reduction of the overall retail floorspace (A1 Use Class) by 132sqm. However, in accordance with the policy, the overall loss is compensated by providing a gym that would provide a direct service to the public. The gym would also increase the viability and vitality of the centre by increasing footfall.
22. The remaining retail space at 907sqm, would still be one of the largest retail units on Denmark Hill and would not harm the retail vitality of the area. The proposal meets the requirements of the policy by preserving the amenity of local occupants and promoting additional community uses within a local centre.
23. Policy 1.9 'change of use within protected shopping frontages' says that permission would not be granted for a change of use within such frontages unless certain criteria are met. No change of use of the retail units is proposed so the proposal would comply with the policy.
24. The principle of the land uses proposed is acceptable.

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

Noise

25. The closest noise sensitive property has been identified as the rear facade of 62 Denmark Hill, which is 15m away. The noise report identifies that with the mitigation measures stated in paragraph 5.2, the transmission of noise to the nearest sensitive windows satisfies the emissions criterion of the local authority. A condition requiring the mitigation as identified within the Noise Assessment (October 2016) shall be implemented and that a subsequent noise assessment would be undertaken to show that the plant noise level is 10dB below the lowest background levels at 1m from the nearest residential window.

Daylight/Sunlight

26. An assessment has been undertaken in accordance with the Building Research Establishment (BRE) guidance. The daylight to only one non-habitable window would be reduced to a noticeable degree but it would retain a vertical sky component (VSC) of more than 23% which is very good for a town centre. There would be significant overshadowing to the outside space for 50-54 Denmark Hill but this is not an amenity space as it serves as a fire exit.

Waste

27. As noted above, the extensions themselves are unlikely to have a material impact on the amenity of neighbouring occupiers, the refuse storage for both uses has now been moved to the Denmark Hill frontage and no servicing is expected from Milkwell Yard where there are residents.

Retail/Gym Use

28. The proposed uses on site would not cause unacceptable harm to neighbours or

it lead to an adverse change in the flow of people to site as it is already a busy area in a town centre. Because of this and the fact that the only windows and doors for the gym would face Denmark Hill, it is not considered necessary to limit the hours of operation.

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

29. None envisaged.

Transport issues

30. The site is located in Camberwell that benefits from a high PTAL (6) and excellent transport links via local buses and nearby train stations. The applicant proposes a car-free development with servicing undertaken on Denmark Hill.
31. Similar to the previous applications (and this application) concerns were raised regarding the use of Milkwell Yard for servicing/refuse collection. This is because the rear yard is too small for large vehicles to manoeuvre and leave in a forward gear, plus it also has direct access to a busy intersection which would create problems for highway capacity and safety. The applicant has since amended the scheme to move the refuse storage area to the proposed side infill area that has direct access to Denmark Hill.
32. Therefore all servicing and refuse collections would be from on-street loading bays positioned on Denmark Hill. To assess the capacity and impact of this a transport assessment was required.
33. As stated within the transport assessment and acknowledged the site was previously occupied by a large retailer (Peacocks). It is accepted that Peacocks would have made limited use of the existing service yard due to the height restriction which would limit goods vehicles to small LGVs. As such the large proportion of deliveries would have taken place from on-street, specifically the loading bay just north of the site entrance.
34. The transport assessment goes on to say that the existing loading bay south of the site was surveyed to be operating at a 22% usage. Taking into account the proposed retail and gym use the 'worst-case' scenario was assumed. It identified that approximately seven vehicle movements per day could be expected. This is considered by the LPA to be representative of the typical movements associated with the uses.
35. In capacity terms the low usage of the on-street loading bay and considering that one HGV would equate to two LGVs pushing up the current usage to 28%, there would be sufficient capacity for the unit to be serviced on-street without causing highway issues or over-saturation of the loading bay.
36. To further protect the integrity of the highway and in particular the bus lanes on the strategic route, a draft management plan was prepared. A condition requiring a full service management plan (including hours of servicing) is recommended. This is to ensure that the free-flow of traffic and buses in particular can continue to operate efficiently as unlike the current situation, more HGVs would be using the loading bay which could impact on the manoeuvrability of vehicles/buses approaching from the junction with Coldharbour Lane. It would also be considered that a review of the servicing would be secured in the management plan 1 year later to take into account the highway improvements works proposed.

37. The applicant has demonstrated that long term cycle parking (for staff) for 10 bikes can be accommodated. An additional requirement is to provide short-stay parking for customers. The only reasonable place this can be accommodated would be within the frontage which would be an inefficient use of floorspace. For this reason, a negotiated solution has been reached and the applicant has agreed to enter into a S106 agreement to provide a financial contribution equivalent to the cost of installing 21 cycle parking stands. These would be installed by the Highway Authority within the vicinity of the site and would offer wider community use.
38. The applicant would also undertake highway works to:
- Reinststate the redundant vehicle crossover as footway;
 - Provide a dropped kerb at the front of the bin store on Denmark Hill;
 - Repair any damage to the existing footway as a result of site construction works.
39. While the applicant has failed to provide adequate cycle parking facilities on site to meet the London Plan standards. It is considered that on balance the loss of shop frontage and retail floor space to accommodate both retail and gym cycle parking would be an inefficient use of space. As such the on-street contribution is considered acceptable. The assessment of the transport implications are satisfactory and with the proposed conditions would safe guard the integrity of the highway.

Design issues

40. The only alteration which would be visible from the street is the side yard extension, which would result in the removal of the metal gates and replaced with doors to serve the refuse store and gym. The existing shop frontage would remain in terms of appearance but would be refurbished and extended to the side. The materials of the side extension would also have matching brickwork and the extension to the rear would also be in brick. Overall, the appearance of the side extension and rear infill addition are considered acceptable.
41. The design of the scheme is considered acceptable as the majority of building would not be visible from the public domain. The element which is provides an improvement and would tie into the existing elevation.

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

42. The impact on the conservation area would be very limited. One noticeable change from the conservation area would be replacement of gates to the service area with doors- an improvement. The other noticeable change would be the introduction of a transom element to the shopfront, providing greater interest and relief.
43. The new built part of the development would sit behind the first floor elevation and not be seen from the conservation area. Overall, the scheme would preserve the conservation area, causing no harm.

Planning obligations (S.106 undertaking or agreement)

44. Grant planning permission subject to legal agreement to secure a contribution of £3,389 for archaeology mitigation monitoring, on-street cycle stands not provided and for the applicant to enter into a S278 agreement to provide:

- Reinstate the redundant vehicle crossover as footway;
- Provide a dropped kerb at the front of the bin store on Denmark Hill;
- Repair any damage to the existing footway as a result of site construction works.

In the absence of a signed Section 106 Agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development the highway and on archaeological remains, the proposal would be contrary to Policy 2.5 of the Southwark Plan.

45. In the event that a satisfactory legal agreement has not been entered into by 28 April 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).

46. The total CIL liable area is based on the proposed new floor space at ground and first floor. This is because part of the building was demolished prior the planning application being submitted which means it becomes liable to CIL as stated in CIL guidance. The mayoral CIL would be £59,387 while the local CIL would be £82,266.

Sustainable development implications

47. The London Plan target for major development as outlined by the GLA requires a 35% improvement over Part L 2013 of the Building Regulations. The submitted energy statement outlines that the regulated CO₂ emissions are shown to achieve a 35.1% improvement over Part L 2013. This is achieved through the use of CHP as well as Photovoltaic Panels. As such, the application is considered policy compliant in sustainability and energy terms.

Other matters

Security

48. The Metropolitan Police requested that secure by design was conditioned. This is because the proposal sits at the end of a narrow service alley which could attract anti-social behaviour. This was also raised by a neighbour consultee as an issue. As such the applicant agreed to the condition being attached to the planning permission, if granted.

Archaeology

49. The site is within an Archaeology priority zone. There are works involved that require the removal of ground and as such two conditions are recommended to safeguard any potential archaeology findings. In addition, a financial contribution is secured through the S106 progress to cover the cost to the council of monitoring and assessment. The applicant has agreed to this.

Conclusion on planning issues

50. Overall, for the reasons explored above it is considered that the proposed development is acceptable, and subject to the imposition of suitable conditions, that the development would not harm the appearance of the streetscene, viability of the protected shopping frontage, local occupants and the function of the transportation network.
51. The planning application is recommended for approval.

Community impact statement

52. 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

53. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.
54. Details of consultation responses received are set out in Appendix 2.

Human rights implications

55. 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.
56. This application has the legitimate aim of providing additional commercial and community space. 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/2511-56 Application file: 16/AP/3983 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 4004 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	Craig Newton, Planning Officer	
Version	Final	
Dated	15 February 2017	
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	17 February 2017	

APPENDIX 1

Consultation undertaken

Site notice date: 12/10/2016

Press notice date: 13/10/2016

Case officer site visit date: 12/10/2016

Neighbour consultation letters sent: 12/10/2016

Internal services consulted:

Ecology Officer
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
Flood and Drainage Team
Highway Development Management
Waste Management

Statutory and non-statutory organisations consulted:

London Fire & Emergency Planning Authority
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:

Unit 5 Valmar Trading Estate SE5 9NW	27a Denmark Hill London SE5 8RS
Unit 4 Valmar Trading Estate SE5 9NW	25 Denmark Hill London SE5 8RT
Unit 3 Valmar Trading Estate SE5 9NW	62a Denmark Hill London SE5 8RZ
29 Denmark Hill London SE5 8RS	Garage Rear Of 62 Denmark Hill SE5 8RZ
33 Denmark Hill London SE5 8RS	64-70 Denmark Hill London SE5 8RZ
56-60 Denmark Hill London SE5 8RZ	29c Denmark Hill London SE5 8RS
27 Denmark Hill London SE5 8RS	48-54 Denmark Hill London SE5 8RZ
Rear Of 44-50 Denmark Hill SE5 8RZ	62 Denmark Hill London SE5 8RZ
First Floor And Second Floor 48-54 Denmark Hill SE5 8RZ	31-33a Denmark Hill London SE5 8RS
52-54 Denmark Hill London SE5 8RZ	31 Denmark Hill London SE5 8RS
29b Denmark Hill London SE5 8RS	64 Denmark Hill London SE5 8RZ
Unit 6 Valmar Trading Estate SE5 9NW	66 Denmark Hill London SE5 8RZ
Unit 7 Valmar Trading Estate SE5 9NW	68-70 Denmark Hill London SE5 8RZ
29a Denmark Hill London SE5 8RS	5 Valmar Road Camberwell SE5 9NG
62b Denmark Hill London SE5 8RZ	

Re-consultation: 06/12/2016

APPENDIX 2

Consultation responses received

Internal services

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

Statutory and non-statutory organisations

London Fire & Emergency Planning Authority
Thames Water - Development Planning
Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

5 Valmar Road Camberwell SE5 9NG