

Item No. 7.2	Classification: Open	Date: 13 December 2017	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/1896 for: Full Planning Permission Address: 269-275 RYE LANE AND 1A PHILIP WALK, LONDON SE15 Proposal: Demolition of existing buildings (general industrial units and a derelict end-of-terrace property) and the redevelopment of the site to provide 1x part 3/ part 5 storey building, 1x part 6/ part 5 storey building and 1x two-storey residential dwelling, comprising a total 29 residential units (12 x 1-bed, 11 x 2-bed and 6 x 3-bed) and 534sqm of flexible commercial floorspace (Class A1/B1), plus associated landscaping, plant, car and cycle parking and refuse storage.		
Ward(s) or groups affected:	The Lane		
From:	Director of Planning		
Application Start Date: 13/05/2016		Application Expiry Date: 12/08/2016	
Earliest Decision Date: 01/07/2016		Target Decision Date: 31/03/2018	

RECOMMENDATIONS

1. a) That planning permission be granted, subject to conditions and the applicant entering into a satisfactory legal agreement.
- b) That in the event that a satisfactory legal agreement is not entered into by 31 March 2018 that the Director of Planning be authorised to refuse planning permission, if appropriate, for the reason set out in paragraph 116 of this report.

BACKGROUND INFORMATION

Site location and description

2. The site is located in Peckham Major Town Centre and is on the east side of Rye Lane between the junction with Heaton Road to the north and Philip Walk to the south. The area comprises a mix of development types and uses and a range of building heights generally between two and six storeys. The site is not in a conservation area (but it does share a boundary with Rye Lane Conservation Area to the north). There are no Listed Buildings in the immediate vicinity.
3. The front part of the site is open and overgrown presenting a gap in the streetscene between Co-operative House on the north side and a short terrace of three, 3-storey Victorian properties at No. 275-279 Rye Lane on the south side. The site has lain empty with No. 275 remaining derelict for more than a decade after suffering fire damage.
4. The rear part of the site contains a couple of single-storey industrial buildings set side-by-side occupied by a commercial laundry business (Class B1 or B2) which form part

of larger industrial estate of similar buildings.

5. Immediately to the north of the site is Co-operative House, a development of flats with commercial properties at street level fronting onto Rye Lane and continuing around the corner into Heaton Road. The front block of Co-operative House next to the application site is five-storeys high, this then increases to seven storeys where, further to the north, it curves around the corner into Heaton Road, before dropping back to six storeys for the rear block. It has car parking at ground-level with an internal communal courtyard on a podium deck above.
6. Immediately to the east of the site is a collection of single-storey pitched roofed industrial buildings arranged around a courtyard (the industrial estate referred to above). These are host to small commercial enterprises such as a commercial printers and a picture framing business.
7. Immediately to the south of the application site is Philip Walk which runs west from Rye Lane. Along its north side are a row of semi-detached Victorian villas in London stock brick with shallow hipped roofs and modest rear gardens.
8. Part of the site is located within Proposal Site 23 (269-273 Rye Lane) of the Peckham and Nunhead Area Action Plan (PNAAP).
9. The following development plan designations apply to the site:
 - Peckham Major Town Centre
 - Peckham Action Area Core
 - PNAAP Proposal Site 23
 - Protected Shopping Frontage
 - Urban Density Zone (200-700HR/Ha)
 - Air Quality Management Area
 - Fronts onto a Classified A Road (Rye Lane)
 - Public Transport Accessibility Level (PTAL) - 6a (Excellent)
 - Flood Zone 1
 - Critical Drainage Area

Details of proposal

10. The proposal consists of three buildings which are referred to as Block A, Block B and Block C.
11. Block A would be five storeys high and fronts onto Rye Lane. It would contain two floors of commercial floorspace, at ground and basement level, to be used either as a shop or office. In particular the applicant has indicated that they consider the space capable of facilitating a co-working hub (office use) and are willing to make all reasonable endeavours to try to secure this. The four floors above would contain 11 flats (7no. 1beds and 4no. 3beds). This building would be clad with a combination of brass cladding (weathered and perforated), galvanised steel (perforated) cladding, grey fibre-cement panelling and have dark-grey aluminium window frames
12. Block B ranges in height from four to six storeys and is itself arranged as two conjoined but distinct blocks of a similar depth with the northern part set back behind the southern part by 6.5m. From Philip Walk to the south Block B gradually steps up from four to five and then to six storeys before dropping back down to five storeys at its northernmost part nearest to the rear block of Cooperative House. It would contain a total of 17 residential units (5no. 1beds, 10no. 2beds and 2no. 3beds). Four of the ten 2bed units would be ground-floor duplex units. This building would be finished with a painted white brick with living wall panels randomly interspersed within the west

(courtyard) and south elevations.

13. Block C is a standalone two-storey 2xbed dwellinghouse positioned to abut the northern boundary of the site with Cooperative House and between Block A and Block B. It would be clad with a green glazed brick with elements of brass cladding (weathered and perforated) in places.
14. This arrangement of buildings around the periphery of the site allows for the creation of quite a generous internal courtyard providing communal amenity space for the development as well as accommodating a single blue badge parking space. Vehicular access to the courtyard would be provided through the site's existing access which in turn is accessed via the existing shared private access route leading from Philip Walk. This access would be gated for security but would be accessible to the emergency services.
15. A separate undercroft pedestrian access under Block A, also gated for security, would provide a convenient direct link between the development and Rye Lane.
16. The development would include areas of sedum green roof over the single-storey elements of the development, i.e., either side of the house (Block C) and over the commercial unit at the rear of Block A.

Relevant Planning history

15/EQ/0089

17. Pre-application Enquiry: Redevelopment of brownfield site fronting Rye Lane, for a residential-led mixed-use development comprising 43 residential units and 366sqm of commercial floor space.

ADVICE ISSUED AND CASE CLOSED: 17/07/2015

14/EN/0112

18. Enforcement type: Land adversely affecting amenity (S215)
Untidy land

CASE CLOSED (NOT EXPEDIENT TO ENFORCE): 02/06/2014

07/EN/0155

19. Enforcement type: Unauthorised advertisement (ADV)
Unauthorised display of two externally illuminated advertising display panels, one measuring approximately 3m high by 12.1m wide (96 sheet) and one measuring approximately 3m high by 6.1m wide (48 sheet)

CASE CLOSED (BREACH CEASED): 09/02/2010

03/AP/2103

20. Full Planning Permission: Construction of a 4-storey building on vacant site at Nos.269-273 consisting of ground floor Class A1 Retail use and 8 residential flats on upper floors with car parking and service access at rear (via Philip Walk), together with refurbishment of No. 275 for use as part of supermarket (with ancillary offices on upper floors).

GRANTED: 31/08/2004

02/AP/0933

21. Full Planning Permission: Part demolition of existing buildings retaining front facade to Rye Lane and reconstruction of a four storey building to provide restaurant on the

ground floor and 15 self-contained flats on the upper floors.

REFUSED: 15/08/2002

Reasons for refusal:

1. The proposal, by virtue of its height, bulk and appearance, fails to relate to the retained façade or the remainder of the terrace (277 and 279 Rye Lane) and therefore would be a discordant and unattractive alteration to the streetscape, and would be detrimental to the visual amenity of the area as viewed from both Rye Lane, and Philip Walk. This is contrary to E.2.3: Aesthetic Control, Policy E.3.1: Protection of Amenity of Southwark's Unitary Development Plan and PPG3 Housing.
2. The dwelling mix and tenure proposed fails to provide for larger households or affordable housing units and does not create a varied residential environment, and in this respect fails to comply with Policy H.1.5: Dwelling Mix of New Housing and Policy H.1.4: Affordable Housing and SPG Affordable Housing of Southwark's UDP.
3. The proposal, by virtue of its height and projection to the rear of the site would unacceptable compromise the outlook from the neighbouring flat at 277 Rye Lane, introducing a long, high blank wall immediately beside their rear facing windows. It would also potentially compromise the amount of natural daylight available to the second floor bedroom window of this flat. This is contrary to Policy E.3.1: Protection of Amenity of Southwark's Unitary Development Plan.

00/AP/1591

22. Full Planning Permission: Change of use of 1st and 2nd floors from vacant storage areas to three self-contained residential units.

GRANTED: 11/01/2001

Planning history of relevant neighbouring sites

Land at 249- 267 Rye Lane, SE15 4UA (Co-operative House)

03/AP/1228

23. Full Planning Permission: Construction of 3 buildings in blocks of 5, 6 and 7 storeys around a landscaped courtyard comprising retail/financial & professional services/cafe/wine bar/offices (Class A1/A2/A3 B1) on the ground floor, 122 flats on the upper floors and 56 basement car parking spaces and 122 bicycle spaces, with access from Heaton Road.

GRANTED WITH A LEGAL AGREEMENT: 30/03/2005

KEY ISSUES FOR CONSIDERATION

Summary of main issues

24. The main issues to be considered in respect of this application are:
 - a) The principle of development in terms of land use and conformity with strategic policies;
 - b) The impact of the development on the amenity of neighbouring properties
 - c) The design of the development and its impact on the character and appearance of the local area.

- d) Dwelling mix
- e) Affordable housing
- f) Quality of residential accommodation
- g) Transport impacts
- h) Flood risk
- i) Energy
- j) Ecology
- k) Planning obligations
- l) Community Infrastructure Levy (CIL)
- m) All other relevant material planning considerations

Planning policy

National Planning Policy Framework

25. The National Planning Policy Framework was published in March 2012 and established the Government's strategy for the delivery of sustainable development. Whilst not policy in itself, all local planning policies must be in general conformity with the NPPF and it is a material consideration in the determination of planning applications.
26. In addition to the core planning principles enshrined in the NPPF, the following sections are most relevant to the proposed development:
- 2. Ensuring the vitality of town centres
 - 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design.
 - 10. Meeting the challenge of climate change, flooding and coastal change
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment
27. National Planning Policy Framework
- Policy 3.1: Ensuring equal life chances for all
 - Policy 2.15: Town centres
 - Policy 2.18: Green infrastructure: the network of open and green spaces
 - Policy 3.3: Increasing housing supply
 - Policy 3.5: Quality and design of housing developments
 - Policy 3.7: Optimising housing potential
 - 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 4.12: Improving opportunities for all
 - Policy 5.2: Minimising carbon dioxide emissions
 - Policy 5.3: Sustainable design and construction
 - 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 5.17: Waste capacity
 - Policy 6.3: Assessing the impacts of development on transport capacity
 - Policy 6.9: Cycling

Policy 6.10: Walking
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 7.8: Heritage assets and archaeology
Policy 7.14: Improving air quality
Policy 7.15: Reducing and managing noise, etc
Policy 7.19: Biodiversity and access to nature
Policy 8.3: Community infrastructure levy

28. Mayor of London Supplementary Planning Guidance

Affordable Housing and Viability 2017
Housing 2016
Sustainable Design and Construction 2014
Accessible London: Achieving an Inclusive Environment 2014
Town Centres 2014
Shaping Neighbourhoods: Character and Context 2014
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013

29. Southwark Core Strategy 2011

Strategic Policy 1 - Sustainable development
Strategic Policy 2 - Sustainable transport
Strategic Policy 3 - Shopping Leisure and Entertainment
Strategic Policy 4 - Places to learn and enjoy
Strategic Policy 5 - Providing New Homes
Strategic Policy 6 - Homes for people on different incomes
Strategic Policy 7 - Family Homes
Strategic Policy 11 - Open spaces and wildlife
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards
Strategic Policy 14 - Implementation

Southwark Unitary Development Plan 2007 - Saved Policies

30. The council's cabinet on 19 March 2013, as required by para. 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.4: Employment sites outside the Preferred Office Locations and Preferred Industrial Locations
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 3.18: Setting of Listed Buildings, Conservation Areas and World Heritage Sites
Policy 5.1: Locating Developments
Policy 5.2: Transport Impacts
Policy 5.3: Walking and Cycling
Policy 5.6: Car Parking

31. Southwark Council Development Plan Documents

Peckham and Nunhead Action Area Plan 2014

32. Southwark Council Supplementary Planning Documents

2015 Technical Update to the Residential Design Standards 2011
Affordable Housing 2008
Affordable Housing (draft) 2011
Sustainable Design and Construction 2009
Development Viability 2016
Section 106 Planning Obligations and CIL 2015
Sustainable Transport 2010
Sustainable Construction and Design 2009
Rye Lane Conservation Area Character Appraisal 2011

Summary of issues raised:

33. A total of 72 representations were received over the course of the two public consultations, the first on the proposal as initially submitted and the second a re-consultation on the revised proposal now before Members. 65 of the comments are objections, 6 comments in support of the proposal were received and one neutral comment. The main issues raised are:

Objections.

- Loss of daylight and sunlight
- Will exacerbate the lack of parking in the local area
- Lack of affordable housing
- Loss of privacy
- Overshadowing of community gardens and children's play area
- Overbearing sense of enclosure
- Design including scale, massing and height
- Noise and disturbance
- Loss of historic properties along Rye Lane.

Support:

- Redevelopment of derelict land
- Additional housing and commercial space

Summary of other statutory and non-statutory consultation responses

Transport for London

34. No objection, recommend conditions.

Local Highways Authority (Southwark)

35. Expressed concern about the refuse storage area but no objection and recommended conditions.

Southwark Environmental Protection Team

36. No objection, recommend conditions.

Southwark Flood and Drainage Team

37. No objections (on the basis of the understanding that no sleeping accommodation would be located on the ground floor).

Ecologist (Southwark)

38. Demolition of the existing buildings should be undertaken outside of the bird nesting season (March-August inclusive) to avoid harm to any active starling nests. The development proposes ecological enhancement. These are best dealt with through the following conditions;

- AG03 (Green roof details to be submitted)
- AG13 (Living wall details to be submitted)
- PC39 (Bird and bat boxes, details to be submitted) (4 swift bricks and 6 mixed-nest boxes are recommended)

Southwark Waste Contract and Strategy Manager

39. The size and location of the bin stores is considered to be acceptable, no objection.

Southwark Transport Planning Team

40. Expressed concern about the refuse storage. This is dealt with below.

Urban Forester (Southwark)

41. No objection as no trees or existing landscape are affected.

The principle of development

42. As a large part of the site is currently occupied by an employment use the proposal requires assessment against saved policy 1.4 of the Southwark Plan (as revised following the adoption of the Core Strategy in 2011).

43. The policy applies to existing B1 floorspace found within any of the following locations in the Borough (excluding the borough's single Preferred Industrial Location). In these locations and in exceptional circumstances the council will permit a loss of employment floorspace in order to ensure that redundant employment land is re-used and to facilitate the provision of active uses in town centres.

- I. Where a site fronts onto or has direct access to a classified road
- II. Within the CAZ (Central Activities Zone)
- III. Within a Strategic Cultural Area

- IV. Within Town and Local centres
- V. Within Action Area Cores
- VI. Within Camberwell Action Area

44. The exceptional circumstances, of which there are three, are as follows:
- a) Where 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) Where 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) Where the site is located within a town or local centre, in which case in accordance with policy 1.7, suitable Class A or other town centre uses will be permitted in place of Class B uses.'
45. The site falls into three of the relevant location criteria, i.e., it fronts onto a classified road (Rye Lane), is located in a town centre (Peckham) and is within an action area core (Peckham and Nunhead Area Action Plan).
46. Since the pre-application enquiry in 2015 it has been established that the amount of existing employment space on the site is not as great as the applicant had first thought. It has been established that the existing employment floorspace on the site amounts to 603sqm.
47. The proposal incorporates a 534sqm commercial unit for either retail (A1) or business (B1) use within the ground-floor and basement of Block A. In accordance with saved policy 1.4, the provision of a retail use for the existing business use on the site is acceptable in principle given the site's location in a town centre.
48. The proposed provision would fall short of the existing by 69sqm, i.e., the provision would represent 89% of the existing commercial floorspace on the site. The replacement floorspace would be modern and of a higher quality; as such, the shortfall is considered to be acceptable.
49. Furthermore, in support of this view, regard should also be had toward the likely greater intensity of employment opportunities that the new commercial unit would be able to offer in comparison to the existing commercial launderette business that operates from the site. In this respect and with reference to the Homes and Communities Agency's Employment Density Guide (November, 2015) it is estimated that the retail use of the proposed commercial unit could generate between 27-37 jobs while its use as offices (including a potential co-working hub) could generate between 37-57 jobs. These therefore compare favourably to an estimate of just 15 jobs for the existing commercial launderette business on the site.
50. Having regard to saved policy 1.7, it is considered that the scale and nature of the proposed A1/B1 commercial uses would be appropriate to its location and would not harm the vitality and viability of the centre or, subject to necessary planning conditions, the amenities of surrounding occupiers. The proposal is thus considered to be compliant with saved policy 1.7 of the Southwark Plan.
51. Consideration of the principle of development must also have regard to the council's ambitions for part of the site through its allocation as a redevelopment opportunity in the adopted Peckham and Nunhead Action Area Plan (PNAAP) (2014).

52. Proposal Site 23 in the PNAAP identifies that any future proposals for the redevelopment of the vacant site at 269-273 Rye Lane (which forms a part of the larger site now proposed) should provide approximately 340sqm of Class A floorspace (A1-A4) at street level fronting onto Rye Lane as well as new homes on the upper floors. It also suggests that consideration will be given to a ground-floor community use (D Class) or business use (B Class) as an alternative to the A Class uses sought. The allocation also set out an indicative capacity of 8 dwellings on the site.
53. The proposal responds well to this site specific policy as Block A would present an 'active' commercial frontage onto Rye Lane with appropriate uses (Class A1 or B1) and the ground-floor (313sqm) and basement (221sqm) would exceed the recommended 340sqm provision. It would also provide 11 residential units within the upper four floors, slightly greater than the 8 envisioned.
54. Officers are satisfied that the land uses proposed make a satisfactory response to site specific requirements set out in the Peckham and Nunhead Area Action Plan and the borough-wide saved policies in the Southwark Plan and as such, the principle of development is acceptable.

Environmental impact assessment

55. The proposal lies outside the scope of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 and as such there is no requirement for an EIA.

The impact of the development on the amenity of neighbouring properties

56. Saved policy 3.2 (Protection of amenity) of the Southwark Plan (2007) seeks to ensure that new development does not compromise the amenities enjoyed by existing neighbours, for example, by protecting adequate daylight and sunlight, privacy, immediate outlook and a reasonable degree of peace and quiet.

Daylight and sunlight impacts

57. Many of the representations received in response to the consultation on the application have come from residents living in Cooperative House, which lies immediately to the north of the site; a recurring theme among the objections outlined in these responses is the impact of the development on the amount of daylight and sunlight that its residents currently enjoy.
58. The application was accompanied by a daylight and sunlight report and this was subsequently revised to reflect the reduction in the height and mass of the Block B buildings at the rear of the site.
59. The report examines the effects of the proposed development on the amount daylight and sunlight currently received by neighbouring residential properties and on the extent of shading of neighbouring outdoor amenity areas, e.g., private gardens, communal courtyards, etc.

Daylight impacts

60. The primary test for assessing the extent to which neighbouring dwellings may or may not incur a loss of daylight as a result of a proposed new development is known as the Vertical Sky Component (VSC) test. Vertical Sky Component is a 'spot' measure of the skylight reaching the mid-point of a window from an overcast sky. It represents the amount of visible sky that can be seen from that reference point, from over and around an obstruction in front of the window.

61. For existing buildings, the Building Research Establishment (BRE) guidelines state that if the VSC at the centre of a window is more than 27% (or if not, then if it at least remains not less than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected. The submitted report undertook the VSC test on the following neighbouring properties:

Peckham Rye:	24, 25, 26 and 26A
Rye Lane:	214-216, 220-222, 224, 226, 228, 230, 232, 259-267 (Co-operative House), 277, 279, 281-283, 285-287 and 289
Philip Walk:	1, 3, 5, 7, 9, 11, 13 and 15

62. The report also explains that Wivenhoe House, a low-rise sheltered housing development to the east and residential properties in Sternhall Lane to the west was not included within the VSC test as it far enough away from the development to ensure that they would not experience any noticeable.
63. The results of the first VSC test found that 268 out of the 284 windows tested complied with the BRE guidelines for there not to be a noticeable decrease in daylight. 16 windows (5.6%) would have a noticeable decrease.

Windows failing VSC test (Before height of Block B reduced)	
277 Rye Lane	4 (out of 5 windows)
7 Philip Walk	1 (out of 7 windows)
Building B Cooperative House	9 (out of 38 windows)
Building D Cooperative House	2 (out of 50 windows)
Total	16 (out of 284) (5.6%)

64. The results of the second VSC test, following the reduction in height of Block B (the current proposal), found that 272 out of the 284 windows tested would have no noticeable decrease leaving only 12 windows (4.2%) with a noticeable chance.. With reference to Appendix I (Environmental Impact Assessment) of the BRE guide which describes three 'scale of impact' categories ranging from 'minor' to 'moderate' to 'major', it is considered that the daylight impacts of the development on the most affected neighbouring buildings, i.e. 277 Rye Lane and Blocks B and D of Cooperative House meet the description of a 'minor adverse impact' and are therefore acceptable.

Windows for which there would be a noticeable decrease in VSC (After height of Block B reduced)	
277 Rye Lane	4 (out of 5 windows)
7 Philip Walk	0 (out of 7 windows)
Building B Cooperative House	6 (out of 38 windows)
Building D Cooperative House	2 (out of 50 windows)
Total	12 (out of 284) (4.2%)

65. Furthermore, in respect of the impacts on Blocks B and D of Cooperative House the report legitimately points out that the effect of the proposed development on these blocks is exacerbated by the nature of their design, i.e., their internal courtyard elevations are adorned with projecting balconies overhanging windows directly underneath thereby already restricting the amount of daylight that they currently receive. The BRE guidelines are clear that the effects of such existing conditions within neighbouring buildings can magnify the daylight impact of a proposed building and it therefore permits a theoretical 'no balcony' assessment to be undertaken. This assessment, if undertaken, would therefore show an even more benign impact on the above properties.

Sunlight impacts

66. The sunlight impacts of the proposed development on neighbouring properties are assessed using the BRE's recommended Annual Probable Sunlight Hours (APSH) test. Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed. The following properties have been assessed:

Rye Lane:	214-216, 220-222, 224, 226, 228, 230, 232, 259-267 (Co-operative House), 277, 279, 281-283, 285-287 and 289
Philip Walk:	1, 5, 7, 9, 11 and 15

67. This test involves analysing the number of hours in which windows facing due south will receive sunlight at different points in the year. The BRE guidance advises that a dwelling will appear reasonably sunlit if at least one main window falls within 90 degrees of due south and can receive 25% annual probable sunlight hours, including at least 5% during the winter months.

Windows failing APSH test (Before height of Block B reduced)	
Building B Cooperative House	5 (out of 39 windows)
Building D Cooperative House	4 (out of 50 windows)
Total	9 (out of 211) (4.2%)

Windows failing APSH test (After height of Block B reduced)	
Building B Cooperative House	3 (out of 39 windows)
Building D Cooperative House	4 (out of 50 windows)
Total	7 (out of 211) (3.3%)

68. The results of the first APSH test found that 202 out of the 211 windows passed the test (95.8%) leaving only 9 windows (4.2%) which would fail. When assessed again following the reduction in the height of Block B (the current proposal) it was found that two more windows would pass the test, i.e., 204 out of the 211 windows passed the test (96.6%) leaving only 7 windows (3.3%) which would fail.

Therefore with reference to Appendix I (Environmental Impact Assessment) of the BRE guide which describes three 'scale of impact' categories ranging from 'minor' to 'moderate' to 'major', it is considered that the sunlight impacts of the development on the most affected neighbouring buildings, i.e., Blocks B and D of Cooperative House meet the description of a 'minor adverse impact' and are therefore acceptable.

Impacts on other non-habitable room windows in Co-operative House

69. The north end of Block B in the proposed development would come to within 1.9-2.4 metres of the south end of Cooperative House's six-storey the rear block and indeed would partially be sited in front of it. Here the southern end of Co-operative House's rear block steps in by over 7 metres, effectively narrowing to about half of its predominant width. However, while there are two columns of windows in the narrower red-brick finished south end of Cooperative House, one in the inside courtyard elevation and the other in its south gable end, these columns of windows serve a communal corridor and a stairwell respectively and therefore they do not directly serve any flats within and hence are not habitable room windows.
70. Therefore, although the proposal would create a tunnelling effect on the west-facing column of corridor windows (except for the top floor window) it would avoid directly obstructing the view out over the development's courtyard and given that these are corridor windows it is considered that the proposal would not significantly affect the amenity of the residents in the block. The column of stairwell windows in the south gable end of Co-operative House's rear block would also be somewhat affected in terms of the view that the currently afford and the amount of sunlight and daylight that they currently receive, but again as they are not habitable room windows and would not be directly obstructed (they would still benefit from an open aspect from the south around the east) it is similarly concluded that the existing residential amenity of the block's residents would not be unduly affected.

Overshadowing of the communal courtyard and private gardens in Cooperative House

71. As mentioned above the daylight and sunlight report also examines the effects of the proposed development on the extent of shading of neighbouring outdoor amenity areas, e.g. private gardens, communal courtyards, etc.
72. The BRE guidelines state that:

For a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21 March, and;
In addition, if, as result of new development, an existing garden or amenity area does not reach the area target above and the area which can receive two hours of direct sunlight on 21 March is reduced by more than 20% this loss is likely to be noticeable.
73. The report assessed the overshadowing impact on private and communal outdoor amenity areas within Cooperative House and found that in each case the impact was within the recommended tolerance. Of the six spaces where any noticeable impact was detected the proportion of the space that would continue to receive at least 2 hours of sunlight on 21 March were 82.7%, 70.3%, 77.2%, 60.6%, 91.1% and 100% and thus would be well above 50% in each case. The shading impact of the development on these neighbouring outdoor amenity spaces is therefore considered to be acceptable.

Privacy

74. The closest distance between west-facing habitable room windows in the proposed Block B at the rear of the application site and existing east-facing windows in the front block of

Co-operative House is over 24 metres.

This is greater than the recommended 21m separation distance in the Residential Design Standards SPD and is approximately the average of the existing separation distance between the front and rear blocks of Cooperative House.

75. The southern end of Block B would come to within approximately 15m of the nearest habitable room windows in the rear elevations of the dwellings along the north side of Philip Walk. To mitigate the possibility of them being overlooked windows in the south elevation from the first floor upwards (which are all secondary windows) would be obscured glazed and privacy screens would be installed at end of the two recessed balconies at the second and third floor levels.
76. Nos 277 and 279 Rye Lane are occupied by a hot-food takeaway and a mini cab business on the ground-floor with residential accommodation on the upper two floors. However, the nearest part of Block B would leave a gap of over 27 metres to their rear elevations. Further to the south, 'Little Winners', a nursery for children aged 0-5 years is located at No. 281-283. The original front part of this building is two-storeys but it has been extended all the way to the back boundary of the site by a flat-roofed single storey rear extension. There are no windows in the rear elevation of this extension and it does not have any outdoor amenity space and therefore it would not incur any significant loss of privacy either.

Enclosure

77. The design of Cooperative House is such that the inner courtyard side flats rely upon its open southern side to provide a wider outlook beyond the courtyard.
78. It is clear that the arrangement of buildings on the site generally follows the pattern established by Co-operative House, i.e., a front and a rear block separated by a courtyard and in so doing minimises the sense of enclosure around its neighbour. Similarly, the height of the blocks (as well as their positioning) is clearly also a potential contributing factor to the perceived degree of enclosure. However, the height of the main blocks in the proposed development (Blocks A and B), in terms of the numbers of storeys they are comprised of, would not exceed those in Cooperative House and concessions have been made at either end of Block B with partial, but not insignificant, reductions in height down to five storeys and to four storeys so that the degree of enclosure is further reduced. Given that the proposal would still preserve an open aspect to the south (maintaining a gap between the two principal blocks in the development of approximately 21m) and would respect the courtyard building lines of Co-operative House, it is considered that the small degree of enclosure created is acceptable.
79. The small two-storey 2-bed unit (Block C) would only be perceived as a little more than a single-storey high from Co-operative House and therefore, although sited on the boundary and within this established gap, it is considered that it would not, of itself, create an overbearing sense of enclosure, or contribute to one in the context of the proposal of which it forms a part.
80. Following amendments reducing the height of the far southern end of Block B from five to four storeys it is considered that the proposal would have an acceptable impact on the existing two-storey dwellinghouses in Philip Walk from which it would remain separated from by 15 metres.
81. In summary, it is considered that the reduced height, bulk and mass of the revised proposal before Members would not result in any significantly harmful amenity impacts to existing or future occupiers of nearby dwellings and thus would comply with saved policy 3.2 of the Southwark Plan (2007).

The design of the development and its impact on the character and appearance of the local area.

82. The front block would be 1.2m higher than the adjoining five-storey part of Co-operative House but would still match it for number of storeys. On the other side it would offer a concession to the lower three-storey Victorian properties at 277 and 279 Rye Lane as it would incorporate a 2m wide buffer where its height would drop down to three storeys on the boundary with No. 277. Its mass and perceived height on the southern side would also be reduced by the way in which the top floor would angle away from the street so that it recedes further back from the principal front elevation.
83. Its façade has been designed to break down its massing along vertical lines with two similarly proportioned projecting gables arranged symmetrically either side of a centre point and given emphasis through the application of the weathered and perforated brass panels. The design and access statement explains that, due to the building's position, fronting onto a busy road, a series of perforated folding screens and sliding panels are utilised that will give the residential units facing out onto Rye Lane a sense of privacy and acoustic protection. A number of the screens will be movable which would allow residents to open or close them as they see fit, allowing for variation in the vertical composition of the facade. This approach is interesting and indeed will animate the building, giving it a sense of playfulness allowing it to subtly change character depending on the needs and wishes of its residents. While the metal and concrete (fibre cement) façade offers an interesting contrast to the predominant use of brick the light ochre tone of the brass panels would complement the typical earthy tones of red and yellow brick used in the area.
84. The first floor panels, as proposed, would extend down over what should be the natural 'shopfront' fascia for the commercial unit seemingly precluding the provision of commercial signage in the traditional manner. However, this could be resolved by a planning condition requiring the submission of revised details and it is considered that it would not unduly compromise the effectiveness of the original design intention.
85. The rear block, Block B, is designed with a grid pattern to its elevations with predominantly recessed balconies, also interspersed with living wall panels and is proposed to be finished with a bright white handmade textured facing brick. The overall scale, height and mass of the amended proposal which from north to south steps up from five storeys to six and then down again to five and then four storeys, together with the stepping of its west elevation in two places to create three distinct parts, is considered to form an acceptable transition between the even larger and taller blocks of Cooperative House and the lower and smaller scale buildings at 277-295 Rye Lane, 222-232 Rye Lane and Philip Walk and beyond to the south. Notwithstanding this, it is considered that the use of a yellow/buff London stock or similar brick would allow Block B to blend in more successfully with the surrounding townscape than the proposed bright white brick and this is what officers would prefer to see here. A suitable condition would allow this issue to be resolved in due course.
86. The much smaller scale green glazed brick duplex unit adds interest to the development and helps to enclose the courtyard which, according to the design and access statement would be landscaped to a high quality and would provide a quiet, well-overlooked and safe space for children to play. A planning condition is recommended to ensure that the development, particularly the courtyard, would be completed with good quality durable materials, boundary treatments and soft landscape / planting.
87. In summary, it is considered that the development would strike an appropriate balance between complementing and contrasting with the existing streetscene and would make its

own unique positive contribution to it in a location where there is considered to be scope for variation in detailed design and materials. It is arguably a better quality and more interesting design than its still quite recent neighbour at Cooperative House and it would successfully bridge the gap in scale and mass between it and the three-storey Victorian properties on its south side at extending from 277 and 279 Rye Lane. Block B is appropriately slightly more reserved in style and exudes a more 'warehouse' style aesthetic which seems appropriate given its back-land location. Overall, the scheme is considered to be quite a sensitive response to the site and its wider surroundings and should be finished to a very good standard. It is therefore considered that it would comply with the design requirements of the development plan.

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

88. As stated above the site lies just outside of Rye Lane Conservation Area, sharing as it does a boundary with Co-operative House which is in the conservation area. The principal and perhaps the only significant impact on the setting of the conservation area would be that created by the proposed mixed-use infill block fronting onto Rye Lane (Block A). The height of the Block A, although marginally higher than Co-operative House, would not look out of step with the heights of building along Rye Lane which provide its immediate setting and it would offer a modest concession on height on its southern side adjacent to the existing three-storey Victorian properties at 277 and 279 Rye Lane. It would above all repair the currently unsightly gap in the streetscene and address the long-standing derelict condition of 275 Rye Lane. Its design would utilise good quality materials and maintain and enhance the rhythm of the streetscene and therefore in this respect it is considered that it would enhance the conservation area's current setting.

Dwelling Mix

89. Strategic Policy 7 (Family Homes) of the Core Strategy (and Policy 18 of the PNAAP) require that a minimum of 60% of units must contain 2 or more bedrooms and 20% of units must contain 3 or more bedrooms. In addition saved policy 4.3 (Mix of dwellings) of the Southwark Plan (2007) also states that developments must not contain more than 5% of studio units and that 10% of residential units should be suitable for wheelchair users.
90. The proposed housing mix is as follows:
- 12no. 1xbed units (41%)
 - 11no. 2xbed units (38%) (2 x 2b3p units and 9 x 2b4p units)
 - 6no. 3xbed units (21%) (1 x 3b4p unit and 5 x 3b5p units)
91. It complies in respect of the proportion of 3xbed and larger units (21%) and only very marginally falls short of the requirement for 2xbed and larger units (59%). Furthermore no studio units are proposed and as set out below three wheelchair units would be provided thereby complying with the required 10% provision.

Wheelchair Units

92. As the table below shows, the three wheelchair-user units would all be within Block B. Two are 3bed/3person units on the 2nd and 3rd floors and the other is a 3bed/5person unit on the 5th floor. As a result of discussions with officers two of these three units (Units B-11 and B-18) have been enlarged by 9sqm to achieve internal floor areas of 79sqm and 108sqm respectively.

Required wheelchair housing minimum size standards				
Wheelchair Units	Type	Floor	Actual Size (GIA, sqm)	Min. size standard* (GIA, sqm)
1. (Unit B-07)	2b/3p	2 nd	79	75
2. (Unit B-11)	2b/3p	3 rd	70	75
3. (Unit B-18)	3b/5p	5 th	108	110
* Residential Design Standards SPD				

93. In accordance with planning policy, these units can only be required to be wheelchair adaptable rather than be fully fitted out as the affordable housing offer does not include social rented units. However, should planning permission be granted the legal agreement will contain an obligation upon the applicant/developer to require them to be specifically marketed to wheelchair users for a period of at least 6 months (and for evidence of this marketing exercise to be submitted to the council for approval) before allowing the units to be offered to the wider market. A planning condition would also require all three units to comply with the national wheelchair user unit standard, i.e., standard M4(3) of the building regulations.

Affordable Housing

94. Strategic Policy 6 (Homes for people on different incomes) of the Core Strategy (2011) and Policy 17 of the PNAAP requires residential developments in this part of the borough to provide at least 35% affordable homes and at least 35% private market homes. The draft Affordable Housing SPD (2011) gives further guidance on the issue and clarifies that we will consider this in relation to the proportion of habitable rooms that are provided across the development. The 35% affordable homes requirement is further broken down into a 70/30 tenure split, meaning that 70% of the affordable homes (or 24.5% of the total) are required to be provided as intermediate affordable housing with the remaining 30% (or 10.5% of the total) to be provided as social rented units.
95. In line with the Development Viability SPD (2016) a viability assessment was undertaken as part of the assessment of the scheme to ensure that the proposed affordable housing offer represented the maximum reasonable provision (in accordance with London Plan policy 3.12) and could be delivered. Valuers have agreed the assessment and agree that the level of affordable housing proposed can be delivered with this scheme.
96. The development would provide 30% affordable housing in the form of 9 intermediate affordable units. These are detailed in the table below:

	Unit ref.	Flat type	Size (GIA, sqm)	Habitable rooms
1	A-01	3b5p	86	4
2	A-02	1b2p	54	2
3	A-03	1b2p	53	2
4	A-04	3b5p	86	4
5	A-05	1b2p	54	2
6	A-06	1b2p	53	2
7	A-07	3b4p	81	4
8	A-08	1b2p	54	2
9	A-09	1b2p	53	2
Total				24

97. The on-site provision would therefore amount to 24 out of the scheme's total of 81 habitable rooms which is 29.6%. In terms of numbers of habitable rooms this percentage therefore represents the closest practical offer to the 30% intermediate affordable figure that the council's viability advisors consider the scheme capable of delivering.
98. It is recognised that this offer, which is agreed in principle, does not reflect the council's required tenure mix as it is comprised of intermediate affordable housing only and therefore does not include any social rented units. However, on schemes of such size it is a common fact that Registered Social Landlords (Housing Associations) are reluctant to take ownership of and manage small numbers of mix tenure affordable housing. Furthermore, in the context of the relatively modest scale of the residential part of the proposal (29 units) officers have weighed up the option of either securing a smaller amount of affordable housing with a policy-compliant tenure mix or securing a greater amount of affordable housing with a non-policy-compliant tenure mix. If a policy-compliant tenure mix (70% intermediate and 30% social rent) were to be insisted it is likely that only 2 or 3 social rented units could be delivered and which would also result in a reduction in the amount of intermediate affordable housing. Therefore, bearing all of the above into consideration officers consider that the current offer represents the optimum offer and the most pragmatic solution for the site.
99. The Mayor's Affordable Housing and Viability SPG (2017) requires comprehensive early and late stage review mechanisms to be secured through a S.106 legal agreement where schemes fail to reach the 35% affordable housing threshold. This would therefore be applied to the proposal and be secured as part of the legal agreement.

Quality of residential accommodation

Density

100. The density of the development is calculated to be 679 habitable rooms per hectare (100.4 habitable rooms divided by the site area, 0.1479 Hectares). This is therefore within the 200-700HR/Ha density range recommended for the Urban Density Zone in which the site sits.

Unit and individual habitable room sizes

101. The table below shows the flat size, the amount of private outdoor amenity space, storage space and aspect for each of the 29 residential units.

Block A	Flat Type	Proposed size GIA (sqm)	Minimum standard GIA (sqm)	Private outdoor space (sqm)	Storage (sqm)	Aspect
A-01	3b5p	86	86	35	2.3	Dual
A-02	1b2p	54	50	9	0.7	Single
A-03	1b2p	53	50	24	1.0	Dual
A-04	3b5p	86	86	17	2.3	Dual
A-05	1b2p	54	50	8	0.7	Single
A-06	1b2p	53	50	13	1.0	Dual
A-07	3b4p	81	74	23	1.7	Dual
A-08	1b2p	53	50	9	0.7	Single
A-09	1b2p	53	50	13	1.0	Dual
A-10	3b5p	86	86	56	0.7	Dual
A-11	1b2p	50	50	13	0.5	Dual
Block B	Flat Type	Proposed size GIA (sqm)	Minimum standard GIA (sqm)	Private outdoor space	Storage (sqm)	Aspect

B-01	2b4p*	93	79	10	2.9	Single
B-02	2b4p*	93	79	10	2.9	Single
B-03	2b4p*	92	79	8	2.9	Dual
B-04	2b4p*	95	79	10	0.4	Single
B-05	2b4p	79	70	14.5	1.6	Single
B-06	1b2p	53	50	5	1.0	Single
B-07	2b3p**	79	75	6	1.1	Dual
B-08	2b4p	71	70	6	0.4	Single
B-09	1b2p	51	50	5	0	Single
B-10	1b2p	53	50	5	1.4	Single
B-11	2b3p**	70	75	8	1.1	Dual
B-12	2b4p	71	70	7	0.4	Dual
B-13	1b2p	51	50	5	0	Single
B-15	3b5p	86	86	8	1.0	Dual
B-16	2b4p	71	70	7	0.4	Single
B-17	1b2p	51	50	5	0	Single
B-18	3b5p**	108	110	18	1.4	Dual
Block C	Flat Type	Proposed size GIA (sqm)	Minimum standard GIA (sqm)	Private outdoor space	Storage (sqm)	Aspect
C01	2b4p**	113	79	7	3.1	Single
* duplex units ** wheelchair unit Note: There is no B-14 unit.						

102. The table below shows the size of habitable rooms and bathrooms for each of the 29 residential units.

Block A	Flat Type	LKD	Bed 1	Bed 2	Bed 3	Bath
A-01	3b5p	29	13	12	7.6	4.5
A-02	1b2p	26	15	-	-	5
A-03	1b2p	29	13	-	-	6
A-04	3b5p	29	13	12	7.6	4.5
A-05	1b2p	26	15	-	-	5
A-06	1b2p	29	13	-	-	6
A-07	3b4p	29	13	9	8	5
A-08	1b2p	26	15	-	-	4
A-09	1b2p	29	13	-	-	6
A-10	3b5p	30	14	12	7	5
A-11	1b2p	27	12	-	-	5
Block B	Flat Type	LKD	Bed 1	Bed 2	Bed 3	Bath
B-01	2b4p*	30	13	13	-	5
B-02	2b4p*	30	13	13	-	5
B-03	2b4p*	30	13	13	-	5
B-04	2b4p*	36	13	12	-	4
B-05	2b4p	30	15	14	-	5
B-06	1b2p	24	13	-	-	5
B-07	2b3p**	34	17	10	-	6
B-08	2b4p	30	12	12	-	4
B-09	1b2p	24	13	-	-	4

B-10	1b2p	24	13	-	-	5
B-11	2b3p**	34	17	10	-	6
B-12	2b4p	30	12	12	-	4
B-13	1b2p	24	13	-	-	4
B-15	3b5p	30	12	12	9	4
B-16	2b4p	30	15	12	-	4
B-17	1b2p	24	12	-	-	4
B-18	3b5p**	50	15	13	9	6
Block C	Flat Type	LKD	Bed 1	Bed 2	Bed 3	Bath
C-01	2b4p*	57	18	12	-	5

103. In summary, the quality of the residential accommodation that would be provided is considered to be very good. This is evidenced by;

- the provision of 2.5m high floor-to-ceiling heights throughout Block A and B and 2.9m high floor-to-ceiling heights within Block C.
- 95% of the proposed dwellings would comply with the recommended standard for internal daylighting (the BRE guide's Average Daylight Factor test).
- almost half the units (14 out of 29) would be dual aspect while another 8 units would at least have a restricted secondary aspect.
- all but two of the units would either meet or exceed the relevant unit size standards. Out of the remaining 27 units 22 would exceed the requirement with five of these significantly exceeding the standard by 10% or more.
- all of the principal living rooms (open plan kitchen/living/dining rooms) would meet or exceed the relevant size standard with most exceeding the requirement and five units.
- only four units (all 3xbeds) would fall marginally short of the of the required 30sqm standard for principal living rooms (open plan kitchen/living/dining rooms), each achieving 29sqm. All other units would meet or exceed the relevant standard with all 2xbed units enjoying principal living areas that would be at least 10% larger than the required minimum standard.
- all bedrooms and bathrooms would comply with or exceed the relevant space standards.
- all units would be provided with built-in storage space
- all units would be provided with some form of private outdoor amenity space with the scheme providing a mix of winter gardens (Block A only), terraces and balconies. Some of the Block A units would benefit from both a winter garden and a terrace with the remaining units in Blocks B and C having either a terrace or a balcony. No unit would have a terrace or balcony less than 5sqm in area with the average provision across the scheme being approximately 12.5sqm.
- the development would also benefit from a high quality landscaped communal courtyard.
- no studio units are proposed.

104. Given the above, it is considered that the development would comply with the relevant policies, i.e., saved policy 4.2 (Quality of residential accommodation) of the Southwark Plan (2007), strategic policy 12 (Design and conservation) of the Core Strategy (2011) and policy 3.5 (Quality and design of housing developments) of the London Plan (2016).

Transport impacts

Servicing

105. Refuse would be stored within the site on the ground floor and would be moved on the day of collection by a concierge to a position on or close to the Peckham Rye frontage and collected from there. The council's kerb side activity survey indicates that the existing loading bay between Philip Walk and Heaton Road should have sufficient spare capacity to allow the commercial unit to be serviced from here. It is noted that concerns have been expressed by the Highways Team and Waste Contract and Strategy Manager about the apparent lack of a temporary off-street holding arrangement for the bins on collection day. However, it is noted that the pedestrian walkway into the site from Rye Lane would be a consistent width of 2 metres whilst the largest communal refuse bin (1100L) would be just 1 metre deep. As the width of the entrance walkway would therefore be reduced down to no more than 1 metre and then only in a few places along its length and only for a limited period of time each week it is considered that the temporary positioning of the bins along the side of the walkway in advance of their collection would not cause any significant harm to amenity and is a reasonable solution.

Car parking

106. The site benefits from a Public Transport Accessibility Level of 6a (Excellent), is located in a controlled parking zone and the proposed development is presented as a 'car-free' scheme with the exception of a single on-site car parking space within the communal courtyard that would be allocated for the benefit of a 'blue badge' holder. The standard condition withdrawing eligibility to apply for on-street parking permits is recommended.

Cycle parking

107. The proposals include 54 cycle parking spaces (27 two-tier Josta stackers) between two storage rooms in the north east corner of the site. Secure and weather-protected cycle storage is provided separately for residents (48 spaces) and staff at the commercial unit (6 spaces). In addition, 2 cycle spaces would be provided adjacent to the commercial unit within the courtyard. Within the secure courtyard area additional cycle stands are proposed for visitors to the residential units. This level of provision is considered to be acceptable.

Flood risk

108. The site is located in Flood Zone 1 but is also located in a Critical Drainage Area where the potential for surface water flooding up to 0.5m has been modelled. A Flood Risk Assessment has therefore appropriately been prepared and submitted (as required by the National Planning Policy Framework). A Sustainable Drainage Strategy has also been submitted. The Council's Flood and Drainage Team have reviewed both documents and commented that, based on the fact that there would be no sleeping accommodation on the ground floor, they have no objection to the scheme. The team also recommends that the development should incorporate such attenuation measures as would achieve a surface water runoff rate no greater than 5 litres per second (which is marginally less than the 6.25 litres per second runoff rate that is proposed). This could be resolved through the imposition of a planning condition.

Energy

109. Policy 5.2 (Minimising carbon dioxide emissions) of the London Plan requires new residential buildings to be zero carbon and strategic policy 13 (High environmental standards) outlines an expectation that new commercial premises shall achieve a BREEAM (Building Research Establishment Environmental Assessment Method) 'Excellent' rating.

	CO2 emissions (kgCO2/year)	Percentage CO2 emissions savings
Base level (B. Reg.s 2013 Part L compliant development)	59,290	
After energy saving measures (‘Be Lean’)	52,207	12%
After Gas-powered CHP Plant (‘Be Clean’)	46,267	22%
After PV panels (‘Be Green’)	36,828	38%
Total Target Emissions	38,539	35%

110. An Energy Assessment has been submitted as part of the application, which sets out the passive design measures and renewable energy measures (Gas-powered CHP plant and PV panels on the roof) to achieve a 38% improvement on Building Regulations 2013 Part L. Since 1 October 2016 new residential development is required to achieve ‘zero carbon’ which in practice normally means the need to secure a financial contribution to the Council’s carbon off-set ‘green’ fund to go toward carbon reduction projects in the borough, based on the amount of residual CO2 emissions following the incorporation of on-site reduction measures as set out in an Energy Assessment. However, in this instance the application was submitted and validated before this change to the policy took effect and therefore there is no requirement to make a financial contribution to the carbon off-set green fund.

Ecology

111. A preliminary ecological assessment was submitted with the application. This identified a moderate bat roost potential of the existing buildings on the site and noted the presence of starlings and common pigeons. Bats and starlings are both protected species under the Wildlife and Countryside Act 1981 and the council in its role as local planning authority has a duty of care to ensure that they and their habitat are protected or adequate mitigation secured through the planning process.
112. Subsequent to this assessment a bat activity survey was carried out but found no activity.. However, given that starlings have been positively identified at the site the ecologist has recommended that potential habitat for birds should be incorporated into the new development and secured by condition and that the existing buildings on the site should only be demolished outside of the bird breeding season (March-August inclusive), also secured by condition.
113. Subject to these conditions it is considered that the impact of the development on local biodiversity would be adequately mitigated such that the proposal would comply with saved policy 3.28 of the Southwark Plan (2007).

Planning obligations (S.106 undertaking or agreement)

114. Both the Southwark Plan and the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal.

Saved policy 2.5 of the Southwark Plan is reinforced by the adopted Section 106 Planning

Obligations and CIL Supplementary Planning Document (2015), which sets out in detail the type of development that qualifies for planning obligations. The NPPF advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Strategic policy 14 (Implementation and Delivery) of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments.

115. The heads of terms are set out below:

- 9 x intermediate affordable units (3 x 3xbeds and 6 x 1xbeds)
- Early and late stage viability reviews
- Marketing of wheelchair units to wheelchair users
- Strategy for securing a co-working operator for the commercial unit in order to deliver flexible and affordable office space for start-up businesses.
- Requirement to enter into a S.278/38 highways agreement for the following scope of works:
 - Repaving of the footway fronting the development on Rye Lane including new kerbing using materials in accordance with SSDM (granite natural stone paving slabs and granite kerbs).
 - Vehicular crossover on Philip Walk to be constructed to SSDM standards (DS132)
 - Provision of highway boundary markers on the footway fronting the development on Rye Lane
 - All utility covers on footway areas are to be changed to recessed type covers.
 - Detailed drawings to confirm an effective drainage strategy for the site to avoid run-off onto the public highway.
- Future connection to district heating network

116. Should a Section 106 agreement not be completed by the 31 March 2018 there would be no mechanism in place to avoid or mitigate the impact of the proposed development in relation to the provision of the necessary infrastructure. In the absence of a completed S.106 the proposal would be contrary to saved policy 2.5 (Planning obligations) of the Southwark Plan (2007) and strategic policy 14 (Implementation) of the Core Strategy (2011) and policy 8.2 (Planning obligations) of the London Plan (2016) and should be refused for this reason.

Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)

117. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

118. The application is liable for both the Mayoral CIL and the Southwark CIL because it constitutes a chargeable development under the CIL Regulations 2010 (as amended).

119. The following are the estimated amounts due:

Mayoral CIL:

MCIL Chargeable Area = $Gr - Kr - (Gr \times E/G) = 3321 - 0 - (3321 \times 553/3321) = 2768\text{sqm}$
MCIL (pre-relief) [if granted in 2017] = $2768\text{sqm} \times \text{£}35/\text{sqm} \times 286/223 = \text{£}124,250$

Southwark CIL:

SCIL *Retail Chargeable Area = $Gr - Kr - (Gr \times E/G) = 549 - 0 - (549 \times 553/3321) = 457.58\text{sqm}$

SCIL (Retail Zone 2) [if granted in 2017] = $457.58 \times 26558265583 \times \text{£}136/\text{sqm} = \text{£}62,231$
*Flexi A1/B1 space is charged the higher rate, as the B1 use can always be switched back to retail.

SCIL Resi Chargeable Area = $Gr - Kr - (Gr \times E/G) = 2772 - 0 - (2772 \times 553/3321) = 2,310.4\text{sqm}$

SCIL (Resi Zone 2) [if granted 2017] = $2310.4 \times 17344173442\text{sqm} \times \text{£}218/\text{sqm} = \text{£}503,671$

TOTAL SCIL = $\text{£}565,902$

Conclusion on planning issues

120. The development would deliver much needed good quality homes including as much affordable housing as is currently accepted to be viable without compromising the delivery of the scheme. It responds well to the vision for the site as set out in the Peckham and Nunhead Area Action Plan with a ground-floor commercial unit providing an active frontage onto Rye Lane. Furthermore, it is considered to be a high quality design that would repair the existing gap in the streetscene and would enhance the character and appearance of the area and the setting of the adjoining Rye Lane conservation area and due to its height, scale and layout it would achieve this without having a major adverse impact on the residential amenity of neighbouring residents, particularly the residents of Cooperative House nor having an unacceptable impact on local biodiversity or highway safety.
121. For these reasons it is recommended that planning permission is granted subject to appropriate and necessary conditions and the subsequent completion of a satisfactory legal agreement.

Community impact statement

122. 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. There are no issues relevant to particular communities/groups likely to be affected by the proposal, and, There are no likely adverse or less good implications for any particular communities/groups.

Consultations

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

Consultation replies

124. A summary of the consultation responses received are set out in Appendix 2.

Human rights implications

125. 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.
126. This application has the legitimate aim of seeking planning permission for a new residential-led, mixed-use development. 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/2732-269 Application file: 16/AP/1896 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 4877 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Copy of issued pre-application advice letter
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciaran Regan, Senior Planning Officer	
Version	Final	
Dated	4 December 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 Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		4 December 2017

APPENDIX 1

Consultation undertaken

Site notice date: 17/05/2016

Press notice date: 19/05/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 17/05/2016

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:

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

Neighbour and local groups consulted:

Flat 109 263 Rye Lane SE15 4UR	Flat 117 263 Rye Lane SE15 4UR
Flat 120 263 Rye Lane SE15 4UR	Flat 122 263 Rye Lane SE15 4UR
Flat 1 291 Rye Lane SE15 4UA	265 Rye Lane London SE15 4UR
Flat 108 263 Rye Lane SE15 4UR	Flat 121 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR	Flat 118 263 Rye Lane SE15 4UR
Flat 106 263 Rye Lane SE15 4UR	Flat 119 263 Rye Lane SE15 4UR
Flat 107 263 Rye Lane SE15 4UR	Flat 113 263 Rye Lane SE15 4UR
Flat 2 291 Rye Lane SE15 4UA	Flat 37 249 Rye Lane SE15 4UP
11a Philip Walk London SE15 3NH	Flat 38 249 Rye Lane SE15 4UP
11b Philip Walk London SE15 3NH	Flat 39 249 Rye Lane SE15 4UP
3a Philip Walk London SE15 3NH	Flat 36 249 Rye Lane SE15 4UP
1c Philip Walk London SE15 3NH	Flat 33 249 Rye Lane SE15 4UP
Flat 3 291 Rye Lane SE15 4UA	Flat 34 249 Rye Lane SE15 4UP
1b Philip Walk London SE15 3NH	Flat 35 249 Rye Lane SE15 4UP
Flat 104 263 Rye Lane SE15 4UR	Flat 40 249 Rye Lane SE15 4UP
Flat 93 263 Rye Lane SE15 4UR	Flat 45 249 Rye Lane SE15 4UP
Flat 94 263 Rye Lane SE15 4UR	Flat 46 249 Rye Lane SE15 4UP
Flat 95 263 Rye Lane SE15 4UR	Flat 47 249 Rye Lane SE15 4UP
Flat 92 263 Rye Lane SE15 4UR	Flat 44 249 Rye Lane SE15 4UP
Flat 48 249 Rye Lane SE15 4UP	Flat 41 249 Rye Lane SE15 4UP
Flat 91 263 Rye Lane SE15 4UR	Flat 42 249 Rye Lane SE15 4UP
Flat 96 263 Rye Lane SE15 4UR	Flat 43 249 Rye Lane SE15 4UP
Flat 101 263 Rye Lane SE15 4UR	Flat 32 249 Rye Lane SE15 4UP
Flat 102 263 Rye Lane SE15 4UR	Flat 21 249 Rye Lane SE15 4UP
Flat 103 263 Rye Lane SE15 4UR	Flat 22 249 Rye Lane SE15 4UP
Flat 100 263 Rye Lane SE15 4UR	Flat 23 249 Rye Lane SE15 4UP
Flat 97 263 Rye Lane SE15 4UR	Flat 20 249 Rye Lane SE15 4UP
Flat 98 263 Rye Lane SE15 4UR	Flat 17 249 Rye Lane SE15 4UP
Flat 99 263 Rye Lane SE15 4UR	Flat 18 249 Rye Lane SE15 4UP
293a Rye Lane London SE15 4UA	Flat 19 249 Rye Lane SE15 4UP
293b Rye Lane London SE15 4UA	Flat 24 249 Rye Lane SE15 4UP
Second Floor Flat 285-287 Rye Lane SE15 4UA	Flat 29 249 Rye Lane SE15 4UP

279b Rye Lane London SE15 4UA
295 Rye Lane London SE15 4UA
279a Rye Lane London SE15 4UA
Beneficial Voracious Christ Church 281-283 Rye Lane SE15 4UA
Units 2 To 4 1a Philip Walk SE15 3NH
Ground Floor 285-287 Rye Lane SE15 4UA
First Floor 285-287 Rye Lane SE15 4UA
Unit 8 1a Philip Walk SE15 3NH
Unit 6 1a Philip Walk SE15 3NH
1a Philip Walk London SE15 3NH
Unit 7 1a Philip Walk SE15 3NH
293 Rye Lane London SE15 4UA
7b Philip Walk London SE15 3NH
9a Philip Walk London SE15 3NH
9b Philip Walk London SE15 3NH
7a Philip Walk London SE15 3NH
3b Philip Walk London SE15 3NH
5a Philip Walk London SE15 3NH
5b Philip Walk London SE15 3NH
Unit 5 1a Philip Walk SE15 3NH
289 Rye Lane London SE15 4UA
279 Rye Lane London SE15 4UA
Unit 1 1a Philip Walk SE15 3NH
291 Rye Lane London SE15 4UA
277 Rye Lane London SE15 4UA
Flat 6 249 Rye Lane SE15 4UP
Flat 7 249 Rye Lane SE15 4UP
Flat 8 249 Rye Lane SE15 4UP
Flat 5 249 Rye Lane SE15 4UP
Flat 2 249 Rye Lane SE15 4UP
Flat 3 249 Rye Lane SE15 4UP
Flat 4 249 Rye Lane SE15 4UP
Flat 9 249 Rye Lane SE15 4UP
Flat 14 249 Rye Lane SE15 4UP
Flat 15 249 Rye Lane SE15 4UP
Flat 16 249 Rye Lane SE15 4UP
Flat 13 249 Rye Lane SE15 4UP
Flat 10 249 Rye Lane SE15 4UP
Flat 11 249 Rye Lane SE15 4UP
Flat 12 249 Rye Lane SE15 4UP
Flat 1 249 Rye Lane SE15 4UP
Flat 114 263 Rye Lane SE15 4UR
Flat 115 263 Rye Lane SE15 4UR
Flat 116 263 Rye Lane SE15 4UR
Flat 112 263 Rye Lane SE15 4UR
295a Rye Lane London SE15 4UA
Flat 110 263 Rye Lane SE15 4UR

Flat 111 263 Rye Lane SE15 4UR

Flat 30 249 Rye Lane SE15 4UP
Flat 31 249 Rye Lane SE15 4UP
Flat 28 249 Rye Lane SE15 4UP
Flat 25 249 Rye Lane SE15 4UP
Flat 26 249 Rye Lane SE15 4UP
Flat 27 249 Rye Lane SE15 4UP
97 Cooperative House 263 Rye Lane Se15 4ur
Flat 82, Co-Operative House 257 Rye Lane SE15 4UR
33 Nigel Road London Se15 4NP
8 Wingfield Street London SE15 4LN
121 Co-Operative House 263 Rye Lane SE154UR
56 Co-Operative House 257 Rye Lane SE15 4UR
Flat 3, 76-8 Montpelier Road London SE15 2HE
57 Marmont Road Peckham SE15 5TB
Flat C 15 Consort Road SE15 2PH
Flat 112 Cooperative House 263 Rye Lane SE15 4UR
Flat 88 Cooperative House 257 Rye Lane SE15 3UE
207 Bellenden Rd Peckham SE15 4DG

102 Co-Operative House 263 Rye Lane se15 4ur
259 Rye Lane London SE15 4UR
12b Therapia Road London SE220SE
56 Underhill Road London SE22 0QT
Flat 84 Co-Operative House 257 Rye Lane SE15 4UR
22 Philip Walk Woolton SE153NH
11 Print Village Chadwick Road SE15 4PU
Flat 63 Cooperative House 257 Rye Lane SE15 4UR
178 Peckham Rye Peckham SE229QA
3 Nigel Road London SE154NP
195 Underhill Road London SE22 0PD
Flat 87 The Cooperative House Rye Lane SE154UR
Flat 82 Co-Operative House 257 Rye Lane SE15 4UR
Units 1-4 1a Philip Walk SE15 3NH
Flat 64 Cooperative House 257 Rye Lane SE154UR
263 Rye Lane London Se15 4ur
257 Rye Lane London SE15 4UR
L&Q Print Works 22 Amelia Street SE16 3BZ
Flat 80 Cooperative House 257 Rye Lane SE15 4UR
Co-Operative House 263 Rye Lane SE15 4UR
Flat 113, Co Operative House 263 Rye Lane SE15 4UR
Flat 59 Cooperative House 257 Rye Lane SE15 4UR
3 Choumert Square Peckham Rye SE15 4RE
85 Cooperative House 257 Rye Lane SE15 4UR
Flat 120 Cooperative House 265 Rye Lane SE15 4UR
Flat 82, Co-Operative House 257 Rye Lane SE15 4UR
Flat 113, The Co Operative House 263 Rye Lane SE15 4UR
Flat 120 Co Operative House 263 Rye Lane SE154UR
4 Quantock Mews London SE15 4RG

Re-consultation: 01/11/2017

Consultation responses received

Internal services

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

Statutory and non-statutory organisations

Environment Agency
Thames Water - Development Planning
Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups

Co-Operative House 263 Rye Lane SE15 4UR
Flat C 15 Consort Road SE15 2PH
Flat 103 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 105 263 Rye Lane SE15 4UR
Flat 106 263 Rye Lane SE15 4UR
Flat 107 263 Rye Lane SE15 4UR
Flat 111 263 Rye Lane SE15 4UR
Flat 111 263 Rye Lane SE15 4UR
Flat 112 Cooperative House 263 Rye Lane SE15 4UR
Flat 112 Cooperative House 263 Rye Lane SE15 4UR
Flat 112 263 Rye Lane SE15 4UR
Flat 113, Co Operative House 263 Rye Lane SE15 4UR
Flat 113, The Co Operative House 263 Rye Lane SE15 4UR
Flat 113 263 Rye Lane SE15 4UR
Flat 118 263 Rye Lane SE15 4UR
Flat 120 Co Operative House 263 Rye Lane SE15 4UR
Flat 120 Cooperative House 265 Rye Lane SE15 4UR
Flat 120 263 Rye Lane SE15 4UR
Flat 121 263 Rye Lane SE15 4UR
Flat 3, 76-8 Montpelier Road London SE15 2HE
Flat 59 Cooperative House 257 Rye Lane SE15 4UR
Flat 63 Cooperative House 257 Rye Lane SE15 4UR
Flat 63 Cooperative House 257 Rye Lane SE15 4UR
Flat 64 Cooperative House 257 Rye Lane SE15 4UR
Flat 80 Cooperative House 257 Rye Lane SE15 4UR
Flat 82, Co-Operative House 257 Rye Lane SE15 4UR
Flat 82, Co-Operative House 257 Rye Lane SE15 4UR
Flat 82, Co-Operative House 257 Rye Lane SE15 4UR
Flat 82 Co-Operative House 257 Rye Lane SE15 4UR
Flat 82 Co-Operative House 257 Rye Lane SE15 4UR
Flat 84 Co-Operative House 257 Rye Lane SE15 4UR
Flat 87 The Cooperative House Rye Lane SE15 4UR
Flat 88 Cooperative House 257 Rye Lane SE15 3UE
Flat 92 263 Rye Lane SE15 4UR
Flat 96 263 Rye Lane SE15 4UR

Flat 98 263 Rye Lane SE15 4UR
Flat 99 263 Rye Lane SE15 4UR
Flat 99 263 Rye Lane SE15 4UR
L&Q Print Works 22 Amelia Street SE16 3BZ
Units 1-4 1a Philip Walk SE15 3NH
1b Philip Walk London SE15 3NH
1c Philip Walk London SE15 3NH
1c Philip Walk London SE15 3NH
102 Co-Operative House 263 Rye Lane se15 4ur
102 Co-Operative House 263 Rye Lane se15 4ur
11 Print Village Chadwick Road SE15 4PU
11a Philip Walk London SE15 3NH
12b Therapia Road London SE220SE
121 Co-Operative House 263 Rye Lane SE154UR
121 Co-Operative House 263 Rye Lane SE154UR
121 Co-Operative House 263 Rye Lane SE154UR
178 Peckham Rye Peckham SE229QA
195 Underhill Road London SE22 0PD
207 Bellenden Rd Peckham SE15 4DG
22 Philip Walk Woolton SE153NH
257 Rye Lane London SE15 4UR
259 Rye Lane London SE15 4UR
263 Rye Lane London Se15 4ur
295a Rye Lane London SE15 4UA
3 Choumert Square Peckham Rye SE15 4RE
3 Nigel Road London SE154NP
33 Nigel Road London Se15 4NP
4 Quantock Mews London SE15 4RG
56 Co-Operative House 257 Rye Lane SE15 4UR
56 Co-Operative House 257 Rye Lane SE15 4UR
56 Underhill Road London SE22 0QT
57 Marmont Road Peckham SE15 5TB
8 Wingfield Street London SE15 4LN
8 Wingfield Street London SE15 4LN
85 Cooperative House 257 Rye Lane SE15 4UR
97 Cooperative House 263 Rye Lane Se15 4ur
97 Cooperative House 263 Rye Lane Se15 4ur
97 Cooperative House 263 Rye Lane Se15 4ur
97 Cooperative House 263 Rye Lane Se15 4ur