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Ms C Harper
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Your Ref:

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Date: 17/07/2015

Dear Ms Harper

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)
 PRE-APPLICATION ENQUIRY**

At: 269-275 RYE LANE & 1A PHILIP WALK LONDON SE15

Proposal: Redevelopment of brownfield site fronting Rye Lane, for a residential led mixed use 43 residential units and 366 sqm commercial floor space.

WITHOUT PREJUDICE

I write further to your pre-application advice enquiry of April 23rd and our subsequent meeting on May 21st. Please accept my apologies for the delay in issuing this advice to you.

EXECUTIVE SUMMARY

It is considered that the development would very likely be **refused** were it to be submitted for planning permission in the form currently proposed due to the inadequate re-provision of commercial uses on the site, the excessive height, scale, bulk and massing of the proposed rear block and the inadequate separation distance between the front and rear blocks. This would give rise to harm to the amenity of adjoining land and buildings and result in a poor standard of accommodation for the development's future occupiers. There would also be prejudicial impact of the proposed rear block on the current operation, and hence the future viability, of the general industrial/business units at 1-8 Philip Walk as well as the future prospects for the redevelopment of this adjoining site.

Notwithstanding all of the above points, the principle of the redevelopment of this important town centre site with an appropriate mixed-use development is supported. However, the rear part of the site is so significantly constrained that only a much reduced quantum of development here would be feasible. In light of this, you may wish to consider assembling a larger site encompassing all or part of the adjoining site to the east at 1-8 Philip Walk as this would facilitate the creation of a more comprehensive development with a greater density that would represent a more efficient use of land.

Site description

The site is located in Peckham Town Centre and is situated 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 located in a conservation area (but it does share a boundary with Rye Lane Conservation Area to the north). There are no statutorily Listed Buildings in the immediate vicinity.

Development Plan and other designations and strategic policy requirements

- Site abuts Rye Lane Conservation Area to the north
- Peckham Major Town Centre
- Protected Shopping Frontage
- Part of the site is located within Proposal Site 23 (269-273 Rye Lane) of the Peckham and Nunhead

- Area Action Plan. This therefore does not include 1a Philip Walk (Buildings B & C) or 275 Rye Lane.
- Fronts a Classified A Road (Rye Lane)
- PTAL – 6a
- Flood Zone 1
- Urban Density Zone (200-700HA/HR) but within the action area cores the maximum density within the range may be exceeded when developments are of an exemplary standard of design. (See also Strategic Policy 5 (Providing New Homes)
- Strategic Policy 6 (Homes for people on different incomes) of the Core Strategy Affordable housing – Development required to provide at least 35% affordable homes and at least 35% private market homes
- Strategic Policy 7 (Family Homes) of the Core Strategy (and policy 18 of the PNAAP) require that a minimum of 20% of units must be 3, 4, and 5+ bed units.

Principle of development

Your pre-application enquiry acknowledges that the two existing industrial units on the eastern part of the site (labelled B & C on the existing site plan) are in use, or at least if currently no longer occupied, were occupied and in-use up to the point of the expiry of the last occupier's lease in May of this year. This is therefore an employment site which provides 580sqm of employment floorspace (Class B). It is not considered to be redundant employment land and the Council remains to be convinced that there are any significant physical constraints preventing its continued use as such.

The existing three-storey end-of-terrace building at No. 275 Rye Lane, albeit that it has not yet been refurbished and re-occupied by a commercial tenant following a fire several years ago, was previously in commercial use (as were its former adjoining neighbours at No.s 269-273 prior to their demolition). Your enquiry appears to acknowledge this in identifying 173sqm of existing (or pre-existing) commercial floorspace at No. 275 – which it is presumed includes the two upper floors of the building.

Proposal Site 23 in the adopted Peckham and Nunhead Action Area Plan 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) fronting onto Rye Lane.

The total existing and pre-existing commercial floorspace on the site totals 733sqm. However, the proposal as it stands only incorporates 366sqm of commercial floorspace and so would only re-provide approximately 50% of this amount (It is also observed that this figure of 366sqm is based only on the assumption that the proposed 307sqm-sized unit described as an 'art gallery space' would be a Class A1 use rather than a D1 use [which depends on whether its primary use would be for the sale of art/artefacts]).

Being located within a town centre, in accordance with saved policy 1.7 of the Southwark Plan, it is considered acceptable in principle for some or all of the existing Class B floorspace at the rear of the site to be re-provided as Class A floorspace. However, given this part of the site's lack of a street frontage it is likely to be more suitable to provide new Class B floorspace in this area. The Council has a flexible approach to the form of any replacement Class B floorspace in terms of the number, size and specific nature of the end uses (so long as they would still fall within Class B) and would therefore be quite receptive, for example, to the provision of a number of smaller business start-up / incubator units including workshops (and to a lesser extent might be willing to accept some live-work units as part of a mix) on this part of the site.

While the overall re-provision of only 50% of the existing commercial floorspace on the site is not considered to be acceptable, a re-provision of 70-80% of the existing commercial floorspace might be considered acceptable, if a convincing argument can be made that any re-provided Class B floorspace would represent a significant improvement in quality over the existing, e.g., by providing a number of high-grade, IT-integrated units and that these would be likely to be more-intensively occupied than the existing unit(s).

275 Rye Lane

As stated above the proposed application site goes beyond the confines of Proposal Site 23 in the PNAAP (269-273 Rye Lane) and includes 1a Philip Walk to the rear and 275 Rye Lane to the south. As the planning history reveals, ever since the site emerged as a re-development opportunity about 10 or more years ago, the Council has always taken the view that any redevelopment proposal here should seek to retain and incorporate the three-storey Victorian end-of-terrace building into any redevelopment scheme rather than demolish it. It forms part of a short terrace of three such Victorian townhouses with prominent steeply-pitched roofs and attractive well-detailed facades and it would be very unfortunate to lose an attractive historic piece of local townscape. Its incorporation would reduce the frontage width and hence the scale, bulk and massing of any new four-storey building in the gap between it and the 5-storey Co-operative House development at 255-265 Rye Lane and would allow for the creation of a more gradual, natural reduction in height and scale of buildings along this side of Rye Lane between Heaton Road and Philip Walk. Therefore, for reasons of good urban design and ensuring that local heritage is not unnecessarily lost at the expense of regeneration it is suggested

that it should be retained and incorporated into any future proposal.

Siting, scale, height and massing and relationship to surrounding land and buildings

It is considered that any building occupying the Rye Lane frontage should aim to provide a transition between the height and mass of the 5-storey Co-operative House building on the north side and the 3-storey Victorian terraced properties on the south side. Ideally, the proposed front block should be no higher than 4 storeys, however, a fifth storey might be acceptable providing that it is designed to be set back from the main front elevation, smaller in scale and clad with appropriate materials giving it a 'light-weight', unfussy appearance so that it would appear as a subservient roof-top element separate from the floors below.

The height, scale, bulk and massing of the proposed part 5, part 6 storey rear block is considered to be wholly inappropriate and unacceptable given the likely consequences of the combination of its proximity to, and siting immediately south of, the 5-storey rear block of the Co-operative House development and the extent to which it would sit in front of its west facing elevation. It is anticipated that these consequences would include a significant loss of daylight and sunlight to the nearest habitable rooms and private external amenity spaces (balconies) in this neighbouring development.

It would also be likely to create an overbearing sense of enclosure to the rear block of the neighbouring Co-operative House development, to the remaining employment units sited immediately to the east and south-east at 1-8 Philip Walk and to the semi-detached dwellinghouses to the south at 1, 3, 5, 7 and 9 Philip Walk. Indeed the combination of its excessive height and proximity to the boundaries of the site and the likely requirement for habitable room windows to be provided in its east elevation is likely to prejudice both the on-going use of the business/general industrial site at 1-8 Philip Walk and the prospects of the site's future redevelopment and as such is considered to be contrary to saved policy 3.11 (Efficient use of land) of the Southwark Plan.

The depth of the Rye Lane fronting block would also appear to be excessive given that it would extend well beyond the rear elevation of adjoining property at 277 Rye Lane to the south. Although the block would be sited due north of 277 Rye Lane it would still be likely to create an overbearing sense of enclosure and have an unacceptable impact of the level of daylight reaching rear-facing habitable room windows in this property.

Daylight and sunlight impacts

The initial rudimentary daylight and sunlight impact analysis is considered to be inadequate and flawed. For example, it fails to identify the 5 storey rear residential building of the Co-operative House scheme lying immediately to the north/north-east of the site as a potentially affected property. It is likely that habitable room windows in the west elevation towards the southern end of this neighbouring residential block would be affected and it is worth observing that the rooms served by these windows are already likely to have less than optimal levels of daylighting due to the development's design incorporating protruding balconies.

It is also observed that the height to distance ratio between the rear / east elevation of the front Rye Lane block and the front / west elevation of the rear block is greater than 1:3 and therefore so long as this ratio is exceeded a detailed assessment of the daylighting impact of the front block on the rear block and vice versa will also be required.

On the following page a diagram showing 40 degree vertical angles from the lowest existing residential windows is included. However, these 40 degree angles do not appear to relate to any of the specific daylight or sunlight tests set out in the BRE good practice guide Site Layout Planning for Daylight and Sunlight (2nd Ed., 2011) and which in turn have been incorporated into the Council's Residential Design Standards SPD (2011). It is also appropriate to mention that daylight and sunlight impacts are not restricted to the habitable windows of dwellings but also to outdoor areas such as private and communal gardens, children's playgrounds and sitting out areas such as those between non-domestic buildings and in public squares. It would also be useful to supplement any detailed daylight and sunlight impact assessment with diagrams showing the shadows cast by the proposed new buildings at different times of the year.

Overlooking

There also is concern at the potential for a harmful degree of overlooking to arise as a result of the height and proximity of the proposed balconies. One of the worst relationships in this regard would appear to be the corner balconies at the south-west corner of the rear block considering how close they would be to the semi-detached dwellings in Philip Walk but similarly neighbours at 277 and 279 Rye Lane might also not unreasonably perceive that the proposed development would also result in an unacceptable invasion of their privacy given the open nature of their rear yards/gardens and the height and proximity of balconies on the rear block's west / courtyard elevation.

The 15.8m front to back distance (12.7m between balconies) between the main blocks in the development is also considered to be very tight. Any future proposals based on this layout should seek to mitigate the likelihood

of overlooking between the blocks by exploring the possibility of increasing this separation distance and by also addressing the issue through detailed building design.

Concluding comments on proposed rear block

Given all of the above concerns, which predominantly stem from the proposed siting and excessive scale, height, bulk and massing of the rear block, it is considered that this part of the site has capacity for development up to a maximum height of two-storeys only. A rational solution to overcome these problems might only be found by expanding the boundary of the proposed application site to take in the remaining employment units at 1-8 Philip Walk to the east so as to enable a larger, more comprehensive development to come forward.

Other issues

With reference to paragraph 18 of your covering letter I am somewhat concerned at the potential prospect of a gated community. Whilst a pedestrian gate within the Rye Lane frontage that would restrict access to residents and business owners in the development is probably appropriate, it is considered that it would not be appropriate for the southern access from Philip Walk to be similarly gated. An early consultation with the local Crime Prevention Design Advisor while the scheme is still in the concept stage might prove beneficial on this issue and might identify other designing out crime issues.

Conclusion

Principle of redeveloping the site for residential use

To summarise while addressing the bullet points listed at paragraph 33 of your covering letter, in terms of the principle of redeveloping the site for residential use, this is considered acceptable in principle providing that the residential use is an appropriately-sized component of a mixed-use development incorporating an appropriate quantum of Class A and B uses as explained above.

The approach to commercial floorspace provision

The approach to commercial floorspace provision is therefore considered to be incorrect and is not acceptable.

Density

I have no specific comment to make on density as the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of creating a development which in terms of scale, bulk, massing, height and design sits comfortably within the context of the surrounding townscape and avoids creating adverse amenity impacts on adjoining land and buildings. As the Mayor's Housing SPG advises, if impacts on the character and appearance of the surrounding area, the existing amenity of adjoining land, and any other specific design requirements (such as unit space standards and the provision of external amenity space) are all met, the resultant density figure is what it is and is arguably irrelevant.

Servicing and parking arrangements

In terms of parking, as the site is very well located in terms of access to public transport infrastructure and services, any development would be expected to be car-free (with the exception of any required accessible parking bays that would be required in association with the provision of any wheelchair accessible units). If an accessible car parking bay is required to be provided on site, careful consideration should be given towards how it could best be integrated into a scheme of landscaping without unduly dominating or compromising it. As with any car-free scheme it would be expected that the development would at least meet, if not exceed, the cycle parking standards in the London Plan (2015) for all uses, not just the residential element and the submission of a Transport Impact Assessment/Report with any future planning application would be appropriate. Please also be aware that depending on the number of residential units and housing mix the Council might also consider it appropriate to require that an arrangement be agreed for free membership of a local car club to be provided for future occupiers for a period of three years. The provision of an outline Delivery and Service Plan with any future planning application would also be appropriate in respect of the commercial units within the development.

Amenity space provision

Notwithstanding the relative proximity of the site to Peckham Rye Common the Council would nevertheless fully expect private and /or communal external amenity space to be provided in any development on this site. Further advice regarding the minimum required amount(s) and the most appropriate form of provision as per the nature of the development and the particular site circumstances can be found on pages 17-18 and 25-26 of the Council's Residential Design Standards SPD (2011).

Scope of future planning application

- Contaminated Land Phase I Desk Study
- Air Quality Impact Assessment
- Daylight and Sunlight Impact Assessment

- Design and Access Statement
- Sustainability Statement (can be contained within the Design and Access Statement if wished and should address broad social, economic and environmental sustainability matters in addition to any specific information in respect to Sustainable Design and Construction matters)
- Affordable Housing Statement and Heads of Terms (if appropriate)
- Transport Impact Assessment (including an outline Delivery and Service Plan)
- Completed CIL Form
- Planning Fee
- Site Location Plan
- Completed Application Form (Full Planning Permission)

Mayoral and Southwark CIL's and Affordable Housing obligations

Any development proposal seeking to provide 11 or more residential units will be required to ensure that 35% of this provision is in the form of on-site Affordable Housing. This would be secured through a S.106 legal agreement and hence your client's suggested Heads of Terms of such an agreement should be provided with the planning application submission. At the moment I can not identify any other obligations that might also need to be secured within a S.106 legal agreement but this may be subject to change as other issues may arise through the statutory consultation process.

Any development proposal along the lines of the proposal considered here would also be liable to contribute to both the Mayor of London Community Infrastructure Levy (MCIL) and the Southwark Council local Community Infrastructure Levy (SCIL). Southwark is a Zone 2 Borough for the purposes of the MCIL and the applicable rate is therefore £35/sqm (before adjustment for inflation).

With regard to the SCIL, the site falls within Zone 2. The applicable rate on net additional residential floorspace (GIA) is £200/sqm. The rate for all retail uses (A1 – A5 & Sui Generis uses akin to retail) in Zone 2 is £125/sqm. The rate in Zone 2 for all other uses is zero. Much more information on the SCIL can be found on the Council website.

Summary

In summary, it is considered that the development would very likely be **refused** were it to be submitted for planning permission in the form currently proposed due to the inadequate re-provision of commercial uses on the site, the excessive height, scale, bulk and massing of the proposed rear block and the inadequate separation distance between the front and rear blocks. This would give rise to harm to the amenity of adjoining land and buildings and result in a poor standard of accommodation for the development's future occupiers. There would also be prejudicial impact of the proposed rear block on the current operation, and hence the future viability, of the general industrial/business units at 1-8 Philip Walk as well as the future prospects for the redevelopment of this adjoining site.

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Yours sincerely,

Rob Bristow
 Group Manager (Major Applications) - Development Management
 Planning
 Chief Executive's Department
 Southwark Council
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 London
 SE1P 5LX

Please note that this advice is given to assist you but is not a decision of the Council. As an officer view, it is not binding on any future decision of the Planning Committee. Further issues may arise following a formal planning application, where public consultation and consultation with statutory consultees would be undertaken.

Appendix 1 - Planning history

269-273 Rye Lane

00/AP/1591 Application type: Full Planning Permission (FUL)
Change of use of 1st and 2nd floors from vacant storage areas to three self-contained residential units.
GRANTED: 11/01/2001

02/AP/0933 Application type: Full Planning Permission (FUL)
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

03/AP/2103 Application type: Full Planning Permission (FUL)
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

07/AP/2083 Application type: Approval of Details - Article 30 DMPO (AOD)
Details of the means of enclosure for the rear site boundary pursuant to Condition 4 of planning permission dated 30/03/2005 (LBS Reg No: 03-AP-1228) for the 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: 27/11/2007

07/EN/0155 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)

Sign-off date 09/02/2010 Sign-off reason: Final closure - breach ceased (FCBC)

05/EQ/0373 Application type: Pre-Application Enquiry (ENQ)
Proposed development
Decision date 07/01/2014 Decision: Pre-application enquiry closed (EQC)

14/EN/0112 Enforcement type: Land adversely affecting amenity (S215)
Untidy land
Sign-off date 02/06/2014 Sign-off reason: Final closure - not expedient to enforce (FCNE)

Appendix 2 – Relevant planning policies and guidance

National Planning Policy Framework (Published 27 March 2012)

Of specific relevance are the following sections:

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

The London Plan (2015)

Policy 3.1 Ensuring Equal Life Chances For All
Policy 2.15 Town Centres
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 4.12 Improving Opportunities For All
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design And Construction
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 8.3 Community infrastructure levy

GLA Supplementary Planning Guidance: -

Housing (2012)
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)

Southwark Core Strategy (Adopted 6 April 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 12 - Design and conservation
Strategic Policy 13 - High environmental standards

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 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

Southwark Council Supplementary Planning Documents

Sustainable Design and Construction (2009)
Residential Design Standards (2011)
Design and Access Statements (2007)
Sustainable Transport (2008)
Rye Lane Conservation Area Character Appraisal (2011)
Affordable Housing (2008)

Southwark Council Development Plan Documents

Peckham and Nunhead Action Area Plan (2014)