

Item no.	Classification	Decision Level	Date
9	Open	Planning Committee	12/01/2005
From Interim Development & Building Control Manager		Title of Report Development Control	
Proposal (04-AP-0679) Demolition of existing buildings at 1 - 15 (odd) Bournemouth Road and erection of an 8 storey building for residential use to provide 55 dwellings [comprising 13 one-bedroom, 39 two-bedroom and 3 three-bedroom flats] together with refurbishment and alterations to 143 - 147 Rye Lane to provide 7 dwellings [comprising 1 one-bedroom, 4 two-bedroom and 2 two-bedroom flats] on the upper floors together with formation of a roof terrace and continued retail use of the ground floor.		Address 1-15 Bournemouth Road & 143-147 Rye Lane SE15 Ward The Lane	

PURPOSE

1. To consider the above application. This application is for Committee consideration as it is of strategic importance in terms of its potential impact upon the Cross River Tram Project.

RECOMMENDATION

2. To refuse planning permission.

BACKGROUND

3. The application site comprises a disused five-storey office (B1) block, built in the 1930's. It fronts Bournemouth Road and flanks part of the Copeland Road Industrial Estate to the north-east and a four storey building which fronts Rye Lane. The building fronting Rye Lane has retail units at ground floor level and is vacant on the upper levels. The site, despite its prominent location, is generally run-down and has become a haven for drug users and is suffering from the consequences of abandonment. The general area in which the site is located is very mixed. Rye Lane, a vibrant shopping street lies to the west of the site, Southwark Council's housing and benefit offices stretch east along the remaining part of Bournemouth Road, Copeland Road Industrial Estate lies to the north and there are a significant number of residential dwellings to the south. The application site falls within proposal site 63P contained with the revised deposit Unitary Development Plan (UDP) [March 2004].
4. There is no significant planning history on the site and although it has been vacant for approximately 10 years it has not been the subject of any previous redevelopment proposals. The adjoining site nos. 137-141A Rye Lane has been awarded planning permission for the replacement of retail units at ground floor level of the building fronting Rye Lane with residential units above and the erection of a six storey building to the rear comprising residential units. The scheme will deliver 60 affordable housing units in total.
5. The application is for the demolition of the existing office block and the construction of

a 8no. storey block comprising 55 residential units [13no. one bedroom, 39no. two bedroom and 3no. three bedroom units] and the refurbishment and alterations to 143-147 Rye Lane to provide 7no. residential units [comprising 1no. one bedroom, 4no. two bedroom and 2no. two bedroom flats]. The retail units on the ground floor of 143-147 Rye Lane are to be retained. There is no car parking provided within the scheme. The amenity space is largely provided by a roof terrace (184.67 sqm) on the existing roof of 143-147 Rye Lane and the remaining amount is provided by a small area to the north of the site adjacent to one of the cycle storage areas. In total the scheme provides 62no. wall-mounted cycle storage spaces, both of the storage areas are accessed from Bournemouth Road. The scheme provides secure refuse storage also accessed from Bournemouth Road.

FACTORS FOR CONSIDERATION

Main Issues

4. The main issue in this case is the impact that the proposal would have upon the development of Proposal Site 63P as a terminal depot for the Cross River Tram. Consequentially the unacceptability of the use of the site for residential use given that it is located within Proposal Site 63P which lists 'Uses Required' as "*Transportation including tram route, depot and ancillary facilities and car parking. Active retail frontage to Rye Lane*".
5. It is considered that the scale, impact upon amenity, dwelling mix and size, density and provision of cycle and refuse storage are all judged to be acceptable. The building design is disappointing but not sufficient to justify a reason for refusal on such grounds. The scheme is not judged to raise any traffic issues and the applicants have offered to make a financial contribution of £10,000 to improve the local cycle network and Town Centre, £2,500 to change the traffic order and a £30,000 contribution to pay for the planned improvements at Dr Harold Moody and Consort Parks to off-set the lack of amenity space within the scheme. The scheme would also deliver the required level of affordable housing.
6. **Planning Policy**
Southwark Unitary Development Plan 1995 [UDP]:
E.1.1 safety and Security in the Environment - Complies with policy
E.2.3 Aesthetic Control - Broadly complies with policy although the design is unimpressive.
E.3.1 Protection of Amenity - Complies with policy as the proposal will not result in an unacceptable impact upon the surrounding businesses or residents.
H.1.4 Affordable Housing - Complies by providing 35% of units as affordable housing secured by legal agreement.
H.1.5 Dwelling Mix of New Housing - Acceptable and satisfies all requirements of policy.
H.1.7 Density of New Residential Development - Does not comply as the scheme exceeds adopted density range.
H.1.8 Standards for New Housing - Complies with this policy through Supplementary Planning Guidance for Standards, Controls and Guidance for Residential Development.
R.2.1 Regeneration Areas - Complies by bringing back into use a vacant building which attracts anti-social behaviour and improving the environment, although would prejudice the delivery of a strategic regeneration objective.
S.1.2 Secondary Shopping Frontages - Complies by retaining retail units at ground floor level.
T.1.3 Design of Development and Conformity with Council's Standards and Controls - The proposal does not comply as it does not provide any off-street parking although adequate cycle storage is provided.

The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004

Policy 2.5 Planning Obligations - Complies, an appropriate level of planning obligation has been sought for the development to off-set impacts.

Policy 3.2 Protection of Amenity - Considered to comply with policy as the proposal will not result in an unacceptable impact upon the surrounding businesses or residents.

Policy 3.10 Efficient Use of Land - The proposal complies with policy as it represents an appropriate development of the site.

Policy 3.11 Quality in Design - Considered acceptable on balance, the proposal will have an acceptable impact upon the town scape.

Policy 3.13 Urban Design - Considered acceptable the proposal will have an acceptable impact upon the town scape.

Policy 4.1 Density of Residential Development - The site is within a PTA (Public Transport Accessibility Zone) therefore a higher density on the site is considered acceptable.

Policy 4.2 Quality of Residential Accommodation - Complies and complies with Supplementary Planning Guidance for Residential Design Standards.

Policy 4.3 Mix of Dwellings - Complies

Policy 4.4 Affordable Housing Provision - The proposal complies by providing in excess of 35% of affordable housing.

Policy 5.3 Walking and Cycling - Complies cycle storage facilities are supplied and the development is 'car-free' thus encouraging the use of more sustainable forms of transport.

Policy 5.4 Public Transport Improvements - Fails to comply, the proposal would jeopardise the delivery of the Cross River Tram to Peckham.

Policy 5.6 Car Parking - No parking is provided which complies with policy as parking standards have a maximum rather than minimum threshold.

Policy 9.3.3 Development at Peckham - Fails to comply, the proposal would jeopardise the delivery of the Cross River Tram to Peckham.

Policy 1.11 Protection the Range of Services Available - The proposal will not result in the loss of any retail facilities.

London Plan [Adopted February 2004]

Policy 3A.1 Increasing London's Supply of Housing - Complies with the aims of this policy by providing a high density housing scheme.

Policy 3A.4 Housing Choice - Generally complies, development will provide a mix of one, two and three bedroom units.

Policy 4B.3 Maximising the Potential of Sites - Fails to comply with the residential density ranges as the proposed development exceeds that of 700 hrh for developments mostly comprising flats.

Policy 3C.4 Land for Transport Functions - Fails to comply, the scheme would not ensure the provision of land in a designated site for an expanded transport function.

Policy 3C.13 Enhanced Bus Priority, Tram and Bus Transit Schemes - Fails to comply, the proposal would jeopardise the delivery of the Cross River Tram.

Policy 3C.22 Parking Strategy - The scheme has no off-street parking amenity which will encourage the use of more sustainable modes of transport.

Planning Policy Guidance Notes 3 [Housing] Complies as the development is in keeping with the objectives of this document.

7. Consultations

Site Notice: 17th May 2004

Press Notice: 20th May 2004

Consultees:

Conservation and Design

Traffic Group
Public Protection
Designing Out Crime
Housing
Transport for London
Khans Bargains
135 Rye Lane SE15 4ST

The New Congregation of Cherubim
1st Floor
135 Rye Lane SE15 4AT

Unit 1-3, Unit 2-6, unit 8-10, unit 9, unit 11-13, unit 14, unit 15-17, unit 19 K and S
Indoor Market 135a Rye Lane SE15

Workman and Partners
7 Buckingham Gate
London SW1E 6JP

145, FIRST FLOOR, 2ND FLOOR, 3RD FLOOR 145 Rye Lane SE15
143, 1st Floor, 2nd Floor 3rd Floor 143 Rye Lane SE15
147 Rye Lane SE15
149, Paragon Legal Company 1st floor, JP Travel Services 2nd floor 149 Rye Lane SE15
Boutique la Toronto, 149a Rye Lane SE15
Facilities Manager, Southwark Housing Department, 25 Bournemouth Road SE15
Facilities Manager, Peckham District Cash Office, 19-23 Bournemouth Road SE15
Facilities Manager, Parkside Neighbourhood Housing Office, 27 Bournemouth Road SE 15
Church College 151a Rye Lane, SE15
Oliver Ashley, 151 Rye Lane SE15
Wall of Praise Christian Centre, 1st Floor, 151 Rye Lane SE15
London Tower College, 2nd floor, 151 Rye Lane SE15

100, FLAT 1, FLAT 2 Rye Lane SE15
102, FLAT1, FLAT 2 Rye Lane SE15
104, FLAT 1, FLAT 2 Rye Lane SE15
108, FLAT 1, FLAT 2 Rye Lane SE15

William Hill 110, Rye Lane SE15
1ST FLOOR occupiers, 2nd floor occupiers 110 Rye Lane SE15
Starburger, 116 Rye Lane SE15
Occupier flat 1, occupier flat 2 110 Rye Lane SE15
Elegance, 118 Rye Lane SE15

Nicholas Ashley
229 Gipsy Road
Paxton Green
London SE27 9QY

Juiets Afro Superstore, 120 Rye Lane SE15
Cost Price Supermarkets, 151a Rye Lane SE15
Kashmir Halal Butchers, 153a Rye Lane SE15
153, 155 Rye Lane SE15
Discount Decorating, 157-159 Rye Lane SE15
161, Head Mistress upper floors 161 Rye Lane SE15
122, 124-126, Connexions 128 Rye Lane SE15

98 Rye Lane SE15

96, First floor flat 96 Rye Lane SE15

94, 92A, 92, 90 Cafe Spice 88 Rye Lane SE15

Gils Cosmetics and Mobile Accessories, 86, 1st floor flat, 2nd floor flat Rye Lane SE15

84, 84A Rye Lane S15

Units 1-9 (consecutive), Copeland Industrial Park, 133 Copeland Road SE15

5, 7, 9, 11, 13, 15, 17 Parkstone Road SE15 4UQ

1-23 Almond Close (consecutive) SE15 4UH

1-39 (Consecutive) Birch Close SE15 4UG

75-103 (Odds) Copeland Road SE15 5SL

8. Replies from:

149A Peckham Rye Lane

Support of the proposal as it will bring more custom to the area.

23 Almond Close

Parking and traffic congestion in the vicinity is already problematic an increase in residents could exacerbate this and there could be a negative affect upon residents.

Owners of 137-141A Rye Lane

Concerns that emergency vehicles will not be able to access nos.137-141A from the southern access. Concern is also raised regarding the extent of the applicant's 'red line' as it includes some land owned by the owners of nos.137-141A.

Secure by Design Officer

Concern about the ground floor layout. The bin stores do not appear to be secure, the right of way must be retained, the gate can offer little security. The location of the entrance door is unacceptable as it enjoys no natural surveillance. Secondary access control at each level is required to obtain Secure By Design approval. Concern about where vehicles will be parked. These concerns have been addressed by the revision of the ground floor layout.

Conservation and Design

The case officer has discussed the considerable amount of pre-application discussions conducted with the architects who have followed advice given by the Council. It is accepted in design terms that an 8no. storey building is acceptable in this location because of the height and bulk of the existing building. The Design and Conservation Officer states that the scheme is "disappointing" but concedes that the visual impact of the building on local and wider views is acceptable and overall there is no objection in design terms to this proposal.

Public Protection

PPG no.24 [Planning and Noise] Noise Survey required and noise reduction plan need to be submitted before planning permission is granted.

Traffic Group

No objections to a car-free scheme, the refuse storage or the cycle storage. £2,500 must be contributed to change the traffic order to prevent future occupiers obtaining parking permits. £10,000 must be secured for improvements to Rye Lane and Peckham Rye station and for improvements to the cycle network.

Transport for London (TfL)

This is the text of Transport for London's official objection to the proposal dated 24 November 2004.

"Transport for London (TfL) recently published its 5-year Investment Programme and Business Plan for 2005/6-2009/10, which provides a framework for prioritizing and delivering transport improvements. This plan can be viewed on the TfL website. The Cross River Tram project has £24.1 million allocated to it over the 5-year span to enable the detailed design and specification to be progressed so that an application can be submitted under the Transport and Works Act and taken through to the granting of Powers.

This means that the Cross River Tram is now a TfL and Mayoral priority. As stated in our earlier letter, we have reviewed the implications of the development on our plans for the proposed tram depot location, which includes the land at 1-15 Bournemouth Road. TfL has grave concerns, as this development would significantly reduce the capacity of the depot, directly causing the loss of stabling for 8 trams and critically also causing the loss of an access track for the stabling of a further 13 trams. Relocation of the access track will cause further loss of stabling space. The site is very tight as it is, and it will be difficult to achieve a successful redesign. The access route to the depot requires that the trams enter the depot on a sharp turn, and thus the tram depot needs to be have a long, rectangular shape to accommodate the maximum number of trams. The loss of space at the end of this long shape would be difficult, if not impossible, to replace within the current tram depot space.

The reduced size of the depot represents a 20-30% loss of capacity, which will have a disproportionate effect on the service quality on the Peckham Branch of the Cross River Tram. It will severely threaten the frequency of services to this part of Peckham and, more fundamentally, the viability of the Cross River Tram network as proposed.

TfL has carried out extensive searches for available depot sites along the alignment of all the Cross River Tram branches. This is the only site that is available that is large enough to accommodate our requirements in a single depot. TfL is reluctant to consider split depot sites as this will have operational and financial consequences, which could undermine the viability of the scheme.

Further, even if a reduced depot size were to be considered, TfL does not believe that locating new residential housing next to a working tram depot facility, which would be busiest and noisiest between the hours of 2am and 6am, would be appropriate.

In view of the wording in the Revised Deposit UDP, which supports a tram depot, and TfL's representations to the Revised Deposit UDP consultation, and the clear policy direction in the London Plan and the Mayor's Transport Strategy, we request that LB Southwark does not grant planning permission for the development at 1-15 Bournemouth Road on the grounds that residential development of this site would severely threaten the feasibility of a tram depot on this site both in terms of size and its appropriateness next to a new residential use. As TfL has no alternative locations for the depot, the application also puts at risk the viability of the Peckham branch of the Cross River Tram. Although the proposal is for a relatively small area it would have a significant impact on the Cross River Tram proposals. The consideration of this application is premature pending the finalisation of Southwark's Unitary Development Plan"

PLANNING CONSIDERATIONS

9. Principle of the Proposed Development

The proposed Cross River Tram project has been awarded funding to proceed to the next stage of the process of implementation. The Greater London Authority has pledged to fund the scheme through an inquiry under the Transport and Works Act (1992) which will effectively grant or refuse permission for the tram project.

10. The confirmation that the Cross River Tram project will progress to the next stage in its development is judged to be a sufficient reason to ensure that the land required for its operation is protected from development. It is for this reason that the application is considered unacceptable in principle.
11. The application site is located within a Proposal Site which has identified the Cross River Tram route and depot as 'uses required' on the site. The site is a substantial area bound by Bournemouth Road, Copeland Road, Bra yards Road, the railway viaduct and the rear of buildings fronting Rye Lane. The scheme would use part of the land that has been identified by the Council and TfL as land required for the Cross River Tram terminal. The site is planned to be the only terminal on the route as trams will traverse between Peckham, Brixton and Kings Cross returning to Peckham. The proposal site identified as 63P is the only suitable site along the route which is capable of providing adequate access, tram stabling, servicing and ancillary facilities such as staff car parking, all of which are required in order to operate the tram service.
12. The granting of planning permission for this application would result in the erosion of part of the area designated for the tram terminal and would provide an incompatible use to the preferred use of the site. The proposed scheme would significantly curtail TfL's proposed tram depot operation as it would use a parcel of land which falls within the proposed depot site. Transport for London, the scheme providers, have raised a significant objection to the scheme on the basis that it would curtail the proposed depot operation on the site, specifically the tracks leading to the stabling which would lead to a significantly reduced service. The possibility of splitting the depot services in order to accommodate the proposed residential and retail scheme would have huge financial and service implications which could render the project unviable. On the basis of the advice given to the Council by TfL it is considered that the proposed development would detrimentally impact upon the site identified for the tram depot and could jeopardise the implementation of the Cross River Tram project. The Council as part of the Cross River Partnership was active in initiating the tram route through Southwark and has identified proposal site 63P as suitable for the depot in partnership with TfL, as the Council are keen to reap the regenerative benefits which could result from the tram project. It would therefore be contrary to the Council's corporate objectives of regenerating Peckham and helping to deliver an improved transport network across the Borough to approve the proposed scheme which would jeopardise the delivery of these objectives.
13. The Council has granted planning permission for a similar residential scheme on the adjoining site nos. 137-141A Rye Lane for the replacement of retail units at ground floor level which were damaged in a fire and the construction of a 1no. 4 storey and 1no. 6 storey block comprising 60 affordable residential flats to the rear of the Rye Lane frontage. These blocks are located just north of the rear of 1-15 Bournemouth Road also within Proposal Site 63P. Permission was granted on 17th March 2004 prior to the adoption of the Revised Deposit UDP on 30th March 2004. The proposal site for the Cross River Tram depot was not contained within the first draft of the UDP [November 2002] and as such was not a material consideration during the assessment of the application. It is however considered important that the erosion of the proposal site for the tram is not continued as it could jeopardise the delivery of the project and could result in additional costs which may reduce the project deliverability of the scheme.
14. It is accepted that by safeguarding the land at 143-143 Rye Lane and 1-15 Bournemouth Road that the existing buildings on the site which are currently vacant and rapidly decaying will remain undeveloped. It is considered however that the long-term regeneration benefits that the Cross River Tram project will bring to Peckham town centre will mitigate any short-term blight on the site. The dereliction of the

existing buildings on the site is therefore not considered a justifiable reason for granting planning permission.

15. The Proposed Scheme

The merits of the scheme have been considered broadly acceptable in terms of scale and design, density, impact upon amenity, affordable housing, standard of accommodation and provision of amenity space, traffic implications, cycle and refuse storage and secure by design implications. In addition the applicants have offered £30,000 for improvement works to Consort and Dr Harold Moody parks on Gordon Road to off-set the short-fall in amenity space provision and a total of £12,500 to improve for town centre improvements and to change the traffic order in order to off-set the impacts of the scheme upon the surrounding environment. Although the elevational design is disappointing it is not considered that any substantial reasons for refusal exist apart from the conflict with the Revised Deposit UDP [March 2004] site allocation and impact upon the delivery of the Cross River Tram Project.

Conclusion

16. The proposed residential development will prejudice the delivery of an important strategic transport project which has been under development since 1997. The Cross River Tram will have a significant regeneration benefit for Peckham and north Southwark, improving access to job opportunities in Central London. The loss of part of the depot site, which TfL have identified following a thorough site assessment process would reduce the space available for tram manoeuvring and stabling, potentially prejudicing the deliverability of the scheme. Additionally the introduction of a residential use so close to the depot site would, if the remainder of the site was developed for the purposes of the tram depot, leave the future residents exposed to an unreasonable level of night-time noise and disturbance. For these reasons it is considered planning permission is refused.

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