

TP(Refuse)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

REFUSAL OF PLANNING PERMISSION

Applicant Macniven & Cameron LU Ltd & London & Quadrant Housing Trust

LBS Registered Number 09-AP-2487

Date of Issue of this decision 18/02/2010

Planning Permission was REFUSED for the following development:

Retention of front facade with demolition and re-development to rear to create ground floor retail unit with 65 residential units over ground to seventh floors in a 4-8 storey building (76.49 AOD), with 24x 1 bedroom, 24x 2 bedroom and 17x 3 bedroom units; with associated cycle storage (65 spaces) and refuse store at ground floor level.

At: 143-149 RYE LANE & 1-15 BOURNEMOUTH ROAD, LONDON, SE15 4ST

In accordance with application received on 05/11/2009 08:02:15 **Your Ref. No.:**

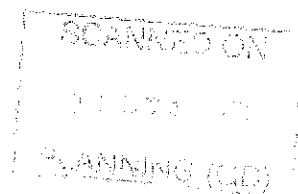
and Applicant's Drawing Nos. DMWR/A1/00100 RevP11; DMWR/A1/00101 RevP12; DMWR/A1/00102 RevP07; DMWR/A1/00103 RevP05; DMWR/A1/00104 RevP05; DMWR/A1/00105 RevP05; DMWR/A1/00106 RevP05; DMWR/A1/00107 RevP05; DMWR/A1/00108 RevP05; DMWR/A1/00109 RevP05; DMWR/A1/00302 RevP03; DMWR/A1/00301 RevP04; DMWR/A1/00201 RevP02; DMWR/A1/00202 RevP02; DMWR/A1/00305 RevP03; DMWR/A1/00306 RevP03; DMWR/A1/00303 RevP03; DMWR/A1/00304 RevP03.

Design and Access Statement; Daylight, Sunlight & Overshadowing Report; Environmental Noise Survey; Economic Development Appraisal; Preliminary Site Investigation; Planning Statement; Site Waste Management Plan; Energy Strategy; Transport Assessment

Reasons for refusal:

- 1 The scale and height of the proposal above the retained facade for 143-147 Rye Lane, and the new building at 149 Rye Lane, fail to give adequate regard to the scale and height of adjacent buildings. The new built forms also fails to harmonise with the existing scale and appearance to the retained facade, dominating the retained facade and relating poorly to the established building forms in Rye Lane. This results in a negative impact upon the character and appearance of the area, contrary to policies 3.11 'Efficient use of land', 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007.
- 2 The proposal, by reason of the poor layout proposed for residential units, has resulted in poor quality living standards. An unacceptable number of units are either single aspect, single aspect with a northerly outlook; have a poor outlook by reason of the location of windows; and/or fail to provide accommodation which satisfies minimum floor space standards as specified in the Supplementary Planning Document [SPD] for Residential Design Standards 2008. Therefore the proposal is contrary to policy 4.2 'Quality of residential accommodation' and 4.1 'Density of residential accommodation' of the Southwark Plan 2007 as well as the SPD for Residential Design Standards 2008.

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- 3** The proposal fails to comply with minimum standards for private amenity space and does not provide high quality usable amenity space for all residents. The scheme also fails to provide a designated child play space area and sufficient detail of the layout and facilities of the communal amenity spaces. Therefore the proposal is contrary to policy 4.4 'Quality of residential accommodation' of the Southwark Plan 2007 and the Supplementary Planning Document for Residential Design Standards 2008.
- 4** The proposal represents an overdevelopment of the site, providing a density well in excess of what would normally be expected in the 'Urban Zone', without demonstration that this can be achieved whilst achieving excellence in design. As a result, the proposal presents cramped living accommodation, with poor outlook and unsatisfactory provision of amenity space, all within a building that exhibits an overbearing design. The development is therefore contrary to policy 4.1 'Density of residential development' and 4.2 'Quality of residential accommodation' of the Southwark Plan 2007, as well as SPD for Residential Design Standards 2008.
- 5** The application has failed to give adequate consideration to the provision of car parking for disabled people, and fails to ensure that future occupiers would not increase pressure for on-street parking spaces to the detriment of the amenity of the neighbouring occupiers, and the quality of the local environment. It is therefore contrary to policies 5.2 'Transport impacts', 5.6 'Car parking' and 5.7 'Parking standards for disabled people and the mobility impaired' of the Southwark Plan 2007.
- 6** The development fails to provide appropriate mitigation for the adverse impacts of the high density and car free development, and contribute towards improvements to local infrastructure, which would experience additional strain following the increase in population as a result of the development. Therefore the proposal is contrary to policy 2.5 'Planning obligations' of the Southwark Plan 2007.
- 7** The proposal fails to achieve a reduction in carbon emissions by 20% through the use of onsite renewable energy provision; or provide a proper justification as to why this cannot be provided, therefore the proposal is contrary to policy 3.5 'Renewable Energy' of the Southwark Plan 2007 and policy 4A.7 'Renewable Energy' of the London Plan 2008.
- 8** The Sustainability Checklist submitted with the application fails to properly and accurately demonstrate that the economic, environmental and social impacts of the proposal have been addressed through an appropriate sustainability assessment of the scheme. As a result, the application is contrary to policy 3.3 'Sustainability assessment' of the Southwark Plan 2007.

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- 9 The proposal fails to provide appropriate levels and details of the cycle storage provision to be provided as part of the development, which is of particular relevance given the car free nature of the proposed development. Therefore the proposal is contrary to policy 5.3 'Walking and cycling' of the Southwark Plan 2007.
- 10 The proposal fails to providing for its servicing needs on site, and in the absence of such provision, provide any justification to show that servicing on street would not adversely impact upon road safety, congestion and the capacity of the highway. Therefore the proposal is contrary to policy 5.2 'Transport Impacts' of the Southwark Plan 2007.

Signed

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Gary Rice
Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to planning.enquiries@southwark.gov.uk

UPRN: 200003394235

checked by

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TP/2732-133

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IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If the applicant is aggrieved by this decision of the council to refuse permission, the applicant may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pes. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application from and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If permission to develop land is refused whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Council a purchase notice requiring it to purchase the owner's interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990.
- [3] **COMPENSATION.** In certain circumstances a claim may be made against the local authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.