

SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 13/01872/FULL1

Ward:
Penge And Cator

Address : Oakfield Centre Oakfield Road Penge
London SE20 8QA

OS Grid Ref: E: 534829 N: 170126

Applicant : London & Quadrant Housing

Objections : NO

Description of Development:

Demolition of existing buildings and erection of 8 terraced houses (6x3 bed; 2x4 bed) and a 4 storey building comprising 24 flats (9x1 bed; 15x2 bed) together with new vehicular access to Oakfield Road, 32 car parking spaces, bicycle parking, refuse and recycling provision and landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

This planning application was submitted to Plans Sub-Committee 2 on 12th December 2013 where it was deferred, without prejudice to any future consideration, to seek a reduction in the number of units proposed, to revise and improve the proposed design and to review the number of parking spaces allowed with no fewer than currently allocated.

An appeal against the non-determination of the application has now been lodged with the Planning Inspectorate. In the grounds of appeal, the appellant states that the appeal is against the failure of the Council to determine the application within the statutory deadline despite being taken to the Planning Committee with a recommendation for approval.

RECOMMENDATION: MEMBERS VIEWS ARE SOUGHT AS TO WHETHER TO CONTEST THE APPEAL.

The report on the scheme that was presented to Members on 12th December is repeated below. No changes have been made to the original report. The officer's recommendation and conditions remain as per the original report.

Proposal

Permission is sought for the demolition of the existing buildings on the 0.32ha site and the erection of a terrace of 8 x 2 storey houses (6x3 bed and 2x4 bed with accommodation in the roof space) on the south west side of the site and a part 3/part 4 storey block containing 24 flats on the north east side of the site (9x1 bed and 15x2 bed).

The development will comprise a row of 2 storey terraced houses with private gardens on the south west side of the houses. The houses will back on to existing residential properties in Roswell Close and there will be a back to back separation of approximately 21m. There will be a 1m separation to the western boundary which has a similar terrace beyond in Lakefield Close. The separation between the houses and Oakfield Road is approximately 8.5m

On the north east side of the site will be a 4 storey block providing 24 flats with the upper floor accommodation partly in the roofspace of the 4th floor. The front of the flats will face into the site and the rear will face Limes Avenue. The separation to the western boundary is 2.7m and the flank elevation of the block will be 15m from the front elevation of the nearest properties in Lakefield Close. The separation to Oakfield Road is approximately 5.5m.

In terms of amenity space for the flats, communal gardens will be provided. In addition there will be a small private patio for the ground floor flats and balconies for the flats on the upper floors. Refuse/recycling stores and cycle stores for the flats are provided in this area.

A total of 32 car parking spaces will be provided between each 'block' of development with a new vehicular access to Oakfield Road (the existing access to Limes Avenue will be closed) in the centre of the site.

In line with Policy H2 of the Unitary Development Plan, the applicant is committed to securing 35% of the development through a Section 106 legal agreement. As such the draft S106 identifies 11 affordable housing units, 5 houses and 6 flats, including 1 wheelchair flat. Seven units would be affordable rent and 4 would be shared ownership. This represents 35% units/37% habitable rooms of the total accommodation proposed. It should be noted that the applicant wishes to provide a 100% affordable housing scheme subject to the availability of funding and grant.

The applicant advises that the units will meet Lifetime Homes standards. In addition the aim of the applicant is to provide an exemplar environmentally responsible 'Passihaus' development. The applicant's energy statement advises that this requires a rigorous design to minimise the amount of heat loss through high levels of insulation.

There are no protected trees on the site but there is a protected tree at the rear of 1-3 Roswell Close and there are large street trees along the Oakfield Road frontage.

The site is currently owned by the London Borough of Bromley.

The applicant has submitted the following supporting documents; Planning Statement, Design and Access Statement, Financial Viability Appraisal, Draft S106 Heads of Terms, Energy Statement, Code for Sustainable Homes Pre Assessment, Drainage Strategy, Transport Assessment, Statement of Community Involvement, Extended Phase 1 Habitat Survey, Revised Tree Survey, Code for Sustainable Homes Ecological Assessment and Initial Bat Survey.

Location

The site lies at the junction of Oakfield Road and Limes Avenue with Lakefield Close on the north-west side of the site and the rear gardens of properties in Rosewell Close on the south west side of the site.

The area is a mix of commercial and residential uses. There are a mixture of 2 and 3 storey residential properties on the north west, the south east sides and opposite the site. There are 3 commercial uses on the north east side of the site (a vacant unit, WC Evans Engineering and Jewsons).

Comments from Local Residents

Nearby properties were notified and no representations have been received to date.

Comments from Consultees

The Council's Highways Officer raises no objections.

The Council's Drainage Officer raises no objections.

The Council's Environmental Health Officer raises no objections.

Thames Water raise no objections.

The Metropolitan Police Crime Prevention Design Adviser raises no objection

Refuse and recycling provision is acceptable.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility

T7 Cyclists
BE1 Design of New Development
C1 Community Facilities
IMP1 Planning Obligations

Supplementary Planning Guidance for Affordable Housing and Planning Obligations

In strategic terms the most relevant London Plan policies are:

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.8 Housing Choice
3.11 Affordable Housing Targets
3.12 Negotiating Affordable Housing on individual private residential and mixed use schemes
3.13 Affordable Housing Thresholds
5.3 Sustainable Design and Construction
5.7 Renewable Energy
6.13 Parking
8.2 Planning Obligations

London Plan Housing SPG

National Planning Policy Framework 2012.

From an arboricultural and ecological point of view, no objections are raised to the proposal.

Planning History

The site is currently occupied by a vacant building that was previously used as a day care centre and has been the subject of several minor applications relating to the this use.

In addition planning permissions have recently been granted for the following development in the vicinity of the site:

Penge Clinic, 17-19 Oakfield Road - Demolition of 17 and 19 Oakfield Road and erection of 2 storey building (with accommodation space in the roof) for use as a medical centre and associated pharmacy together with closure of existing vehicular accesses, creation of new vehicular access to Oakfield Road, 10 car parking spaces, cycle parking and refuse facilities. Approved under ref. 13/00167 in April 2013.

7-15 Oakfield Road - Construction of detached building to accommodate church and meeting hall (Class D1) with 44 car parking spaces to rear and new vehicular access from Cambridge Road together with associated landscaping bicycle and bin storage. Approved under ref. 12/02307 in November 2012.

Conclusions

The main issues to be considered are loss of community facility, impact on the character and appearance of the area, the impact on the amenity of nearby residents and the acceptability of the S106 contributions offered by the applicant.

Loss of community facility

Policy C1 states that 'Planning permission will not be granted for proposals that would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location.

A report to the Executive and Resources PDS Committee in December 2011 advised Members that the site was previously occupied by the Shaw Trust as a training centre for adults with learning disabilities and the site supported a 'Tuck by Truck' service, a free newspaper distribution base and a wood recycling business. The Shaw Trust vacated the site in December 2011 and it has been vacant since that time. The uses previously undertaken at the site have been relocated to premises in Penge and Bromley.

On this basis it is considered that due to the relocation of the previous uses on the site to premises in Penge and Bromley, the proposed change of use complies with Policy C1 and is considered acceptable on this basis.

Impact on the character and appearance of the area

The surrounding area consists of a variety of 2, 3 and 4 storey buildings that vary in height with mainly 2 and 3 storey residential units in Roswell Close, Lakefield Close and the nearest parts of Oakfield Road. The commercial unit at Jewsons is approximately 8.5m high.

The development is set back from the back edge of pavement in Oakfield Road by a minimum of 5.5m giving a generous clearance in this location. The clearance to the boundary in Limes Avenue is 2.5m and to Lakefield Close is 2.7m.

The 2 storey element of this proposal reflects the scale of buildings in this area. The higher block of flats is taller than other development in the immediate area but there are examples of 4 storey buildings close by. To minimise the impact of the height and massing of this building, part of the accommodation in the upper floor is within the roof space making use of dormers and rooflights. A pitched and gabled roof is set behind a parapet.

The proposed vehicular access sits between the frontage trees. Highways raise no objections to the position of the access. A total of 32 car parking spaces are shown on the plan, including 2 spaces for disabled residents. This equates to 1 space per unit. The car parking is aligned along a central internal access road.

As previously stated the site lies in an area classified as PTAL 4 in terms of public accessibility. The overall density of development is 97 units/315 habitable rooms

per hectare. The site can be classified as an urban site and the London Plan indicates that a density ranging from 200 to 700 habitable rooms per hectare may be acceptable.

In summary it is considered that the scale, height and massing of the proposed development and the separation of buildings to the site boundaries results in development that reflects the character and appearance of the area. The proposed density of development is within the density range for this area and the vehicular access is acceptable. As such Members may consider that the development would not have an adverse impact on the character and appearance of this mixed use area.

Impact on the amenity of nearby residents

The nearest residential properties are in Lakefield Close and Rosewell Close. There are also houses on the opposite side of Oakfield Close but it is considered that there would not be an undue impact on the amenities of these residents due to separation between the site and these properties.

With regard to Rosewell Close the separation between habitable room windows is approximately 21m which is generally considered acceptable. In addition the proposed buildings are 2 storeys and while there are rooms in the roof the rooflights face into the site. It is considered that the proposed dwellings would not result in an undue visual impact on these properties or a loss of amenity.

The flank elevation of the proposed houses would continue from the existing terrace at 6-11 Lakefield Close. The height of the buildings is similar and there will be a 2m separation between the proposed and existing flank walls. On this basis it is considered that there will not be an undue impact on the occupants of these properties.

With regard to the impact of the block of flats the closest residential properties are Nos 1-5 Lakefield Close. Concerns were raised by officers regarding the impact of the original submission and the applicant amended the scheme to help minimise its impact. The proposed flank wall of the block of flats will now be approximately 10m to the eaves and 13.8m high to the ridge (from existing ground level) and will be 15m from the front elevation of Nos 1-3, the building will be set slightly lower than the existing land levels, the height has been reduced, the building has been set further away from the boundary, the eaves height has been reduced and planting will be provided between the building and the boundary. In addition there are no windows in this elevation.

It is considered that the measures proposed improve the relationship between the proposed and existing buildings to an acceptable level.

S106 contributions

The submitted accommodation schedule demonstrates that the scheme will provide 37% habitable rooms of affordable housing, with a mixture of social rented

and shared ownership accommodation. This exceeds the requirement for 35% that is set out in Policy H2 of the Unitary Development Plan (UDP).

In addition the applicant has agreed to meet the contributions required for health and education.

In this instance it is considered that the policy requirements set out in the UDP have been met.

Summary

The scheme proposes a mix of residential flats and houses to replace the vacant day care facility that previously occupied the site. It is considered that the scale and massing of the proposed buildings reflect the character and appearance of the immediate and wider area. The development will have an impact on the residential amenities of residents in properties adjoining the site but it is considered that this will not be significant and that the applicant has undertaken steps to minimise this impact.

The development meets the Council's policy requirements in terms of the provision of affordable housing and health and education payments and these will be secured through a S106 legal agreement.

In view of the above it is considered that the development is acceptable and it is recommended that permission be granted.

Background papers referred to during the production of this report comprise all correspondence on file ref. 13/01872, excluding exempt information.

as amended by documents received on 12.09.2013 16.10.2013 31.10.2013

RECOMMENDATION: PERMISSION BE GRANTED (SUBJECT TO PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to affordable housing, health and education)

and the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACA04 | Landscaping Scheme - full app no details |
| | ACA04R | Reason A04 |
| 3 | ACA07 | Boundary enclosure - no detail submitted |
| | ACA07R | Reason A07 |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 5 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 6 | ACD06 | Sustainable drainage system (SuDS) |
| | ADD06R | Reason D06 |
| 7 | ACH03 | Satisfactory parking - full application |

- ACH03R Reason H03
- 8 ACH10 Provision of sight line (3 inserts) 43m x 2.4m x 43m 1m
- ACH10R Reason H10
- 9 ACH16 Hardstanding for wash-down facilities
- ACH16R Reason H16
- 10 ACH22 Bicycle Parking
- ACH22R Reason H22
- 11 ACH23 Lighting scheme for access/parking
- ACH23R Reason H23
- 12 ACH27 Arrangements for construction period
- ACH27R Reason H27
- 13 ACH29 Construction Management Plan
- ACH29R Reason H29
- 14 ACH32 Highway Drainage
- ADH32R Reason H32
- 15 ACI21 Secured By Design
- ACI21R I21 reason
- 16 ACK05 Slab levels - no details submitted
- ACK05R K05 reason
- 17 ACK09 Soil survey - contaminated land
- ACK09R K09 reason

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwellinghouses on the south west side of the side hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenities of nearby residents.

19 Before any work on site is commenced, a site-wide energy strategy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 40% better than Building Regulations. The development should also achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.

20 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and reports approved under this planning permission unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual and residential amenities of the area and in order to comply with Policies BE1, NE3 and NE7 of the Unitary Development Plan.

21 Details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and the charging points shall be installed in accordance with the approved details prior to first occupation of any of the residential units hereby permitted, unless otherwise agreed in writing by the Local Planning Authority and shall be permanently retained in working order thereafter.

Reason: In the interests of promoting more sustainable means of car travel and to comply with Policy 6.13 of the London Plan.

22 Details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) in accordance with the South East London Partnership guidance shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. Details shall also be submitted to and approved in writing by the Local Planning Authority of proposals for the construction of all the dwellings hereby permitted as "Lifetime Homes" in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Accessible London: achieving an inclusive environment" (April 2004) prior to commencement of the development hereby permitted. The dwellings shall be constructed in accordance with the approved details.

Reason: In order to comply with Policy 3.8 of The London Plan.

23 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and to comply with National Planning Policy Framework paragraph 124 and Policy 7.14 of the London Plan.

INFORMATIVE(S)

1 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

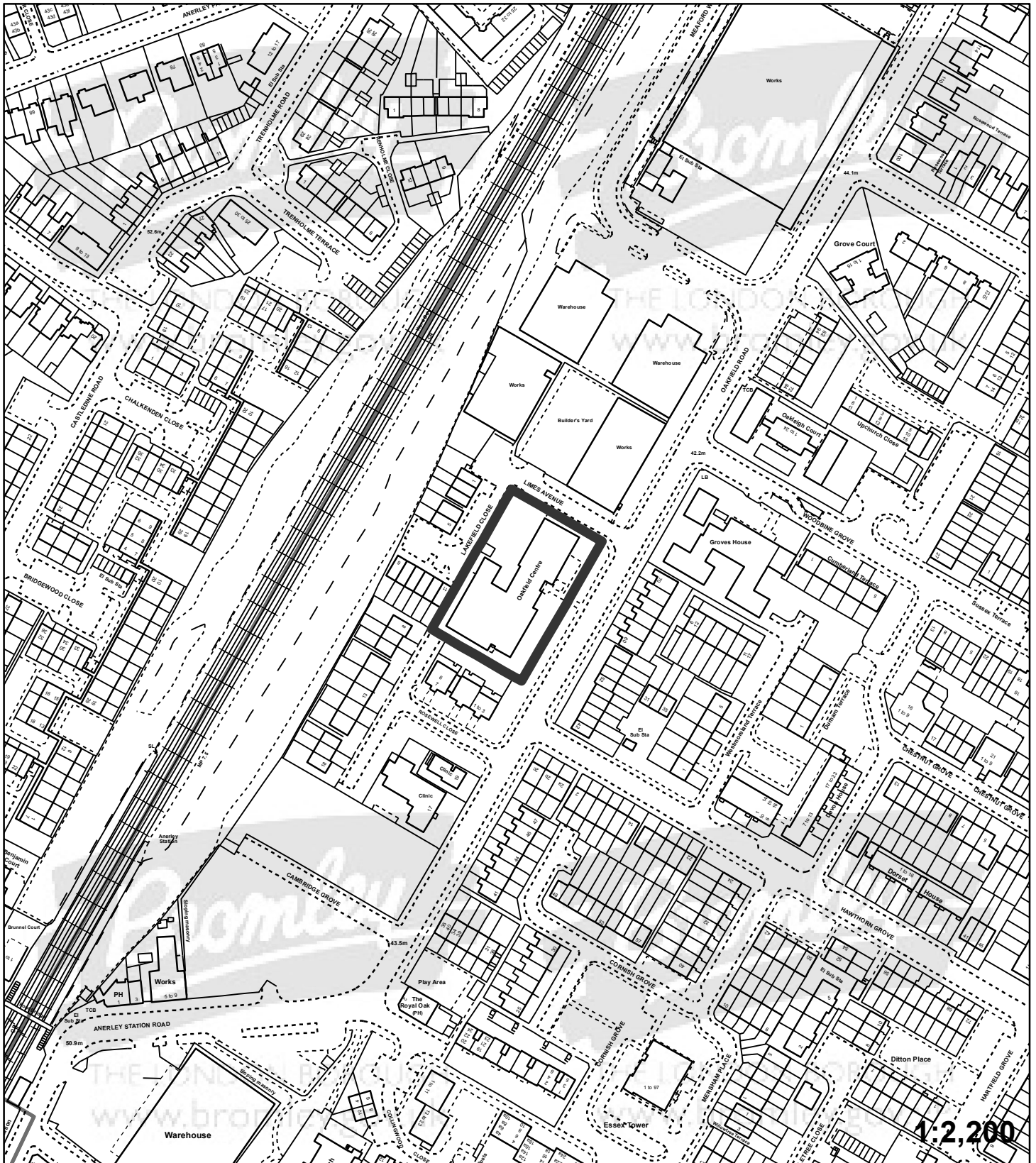
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 3 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 4 There is a Thames Water main crossing the development site which may/may not need to be diverted at the developers cost, or necessitate amendments to the proposed design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Customer Services centre on 0845 850 2777 for further information.
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m per head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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