

Addendum

Development Control Committee 5th March 2024

Item 5: 23/00178/FULL1; Blenheim Shopping Centre, High Street, Penge, London, SE20 8RW.

Officers would like to offer the following updates to the report published:

Additional Representations

Following the publication of the agenda, additional representations were received as follows:

- London Fire Brigade (LFB) provided their comments on the amended proposal on 29th February 2024. Their full response is attached to this addendum for completeness (Appendix 1), however it can be summarised as an objection raising the following points:
 - Fundamental concerns relating to single stair for Block A;
 - Fundamental concerns relating to single stair for Blocks B, D and E;
 - Ensuring suitable means of escape for all occupants in open plan apartments;
 - Evacuation lifts for Blocks A, B, C, D and E;
 - Access and facilities for the fire and rescue service for Blocks A, B, C, D & E;
 - Proposed vertical means of escape design in Block C;
The use of mechanical ventilation as a justification for the enclosed horizontal means of escape;
 - Enclosed car parking areas and electric vehicle (EV) charging units, together with the potential fire risk posed by their battery systems; and
 - The cycle storage (and potential charging) of electric bikes and electric scooters and the potential fire risk posed by these electric powered personal vehicles (EPPV)s which may be located within these areas.

- Transport for London (TfL) have provided their final comments on 28th February 2023 and these are attached to this addendum for completeness (Appendix 2). In summary, their comments focus on the following:
 - Potential Healthy Streets improvements should be sought;
 - Trip generation (further work is required on the trip generation assessment);
 - Cycling (not compliant with the London Cycle Design Standards (LCDS));
 - Car parking (insufficient justification for the re-provision of 24 car parking spaces);
 - Delivery and servicing (condition to secure robust management measures to minimise large service vehicle movements and encourage smaller and sustainable means especially at peak times and when the area is busy with shoppers and those walking and cycling);
 - Construction (condition required); and

- Travel Plan (condition required).
- Updated comments were received from London Borough of Croydon (Appendix 3) stating no objection.
- The applicant has responded to the London Fire Brigade representation on 4th March 2024. The response is attached to this addendum for completeness (Appendix 4).
- Email expressing support for the scheme has been received from Iceland Foods Ltd (Appendix 5).
- Members are already aware of the comments circulated by Hannah Grey in her capacity as the Conservative Candidate for Beckenham and Penge (Appendix 6).
- Additional objections and support representations have been received from the publication date. No materially new points have been raised.

Officers' comments in relation to fire safety matters:

- Members are advised of the Written Statement 'Building Safety: Second Staircases' made on 24th October 2023 which advises of the intended transitional arrangements that will accompany the changes to Approved Document B (Appendix 7). In summary, developers have 30 months during which new building regulations applications can confirm to either the guidance as it exists today, or to the updated guidance requiring second staircases. When those 30 months have elapsed, all applications will need to conform to the new guidance.

“Any approved applications that do not follow the new guidance will have 18 months for construction to get underway in earnest. If it does not, they will have to submit a new building regulations application, following the new guidance. Sufficient progress, for this purpose, will match the definition set out in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, and will therefore be when the pouring of concrete for either the permanent placement of trench, pad or raft foundations or for the permanent placement of piling has started.”

- To clarify the Building Control aspect, for 'in scope' buildings, the Building Safety Regulator is responsible for the building control. They will form a multi-disciplinary team including London Fire Brigade to examine the scheme against the Building Regulations. LBB Building Control Team confirmed that in terms of height the proposed buildings would be classified as follows:

Block A – not in scope as under 18m and 6 storeys

Block B – in scope

Block C – in scope

Block D – in scope

Block E – in scope – lower height but it connects to block D so is in scope

Block F – not in scope – townhouses.

The other areas of concern in the LFB's comments which they do not expressly state, including the electric vehicles and the vertical means of escape are dealt with at the Building Regulation stage and will be considered by the Building Safety Regulator taking account legislation at the time. In particular, the proposed vertical means of escape in relation to blocks B, C and D are acceptable under current building regs legislation. With regard to the cycle storage area, it is noted that this is solely accessible from outside the building so would not necessitate a ventilated lobby.

- Whilst officers are of the view that the updated proposal satisfies the minimum requirements of fire safety as set out in the Building Regulations, Members will need to determine whether the proposed development would achieve the highest standards of fire safety as required by London Plan Policy D12 'Fire safety'. It is noted, however, that GLA officers considered in their Stage 1 response that the proposal complied with the requirements of Policy D12 and will have an opportunity to review and assess the updated proposal and the supporting updated Fire Statement before Stage 2 response is issued.

Report Corrections/Clarifications

- The letters of support listed as a petition in the representation summary table are individual letters of support, therefore the 72 should contribute to the overall number in support. The updated representation summary table below:

Representation summary (as of 5th March 2024)	<p>The application has been consulted previously in January and February 2023.</p> <p>The re-consultation of the amended application included neighbour consultation letters sent on 12/01/24, 5 site notices displayed around the site on 17th January and a press advert published on 24th January 2024.</p>	
Total number of responses		1547
Number of representations		15
Number in support		265(+72) = 337
Number of objections		1195
A petition raising objection signed by 2314 people was received on 15 th February 2023.		

- Vehicle parking summary table (cycle parking):
 - Residential: 414 long stay spaces + 10 short stay spaces (424 total spaces),
 - Commercial: 22 long stay spaces + 82 short stay spaces (104 total spaces),
 - In addition to the above, 12 cycle spaces in Empire Square/ Arpley Mews will be re-provided.
- Para 2.7: Changes were only made to Block C at this stage.
- Para 7.16: Include Regulation 122 of the Community Infrastructure Levy Regulations 2010 as well as the NPPF.

- Para 7.18 and Section 106 Heads of Term summary table: The Applicants confirmed their 'in principle' agreement to all of the planning obligations listed. The Healthy Streets contribution has been confirmed as £10,000.
- Para 8.12: the scheme does not provide general car parking provision (except for BB spaces).
- All NPPF references throughout the report should refer to the latest version of the Framework (2023): Para 6.2.1 should read 'The NPPF paragraph 135 and Para 8.2 should read 'The NPPF (2023)'.
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- Section 9 (Recommendation): that authority be delegated to the Assistant Director to finalise the negotiation on the s106 agreement and conditions.