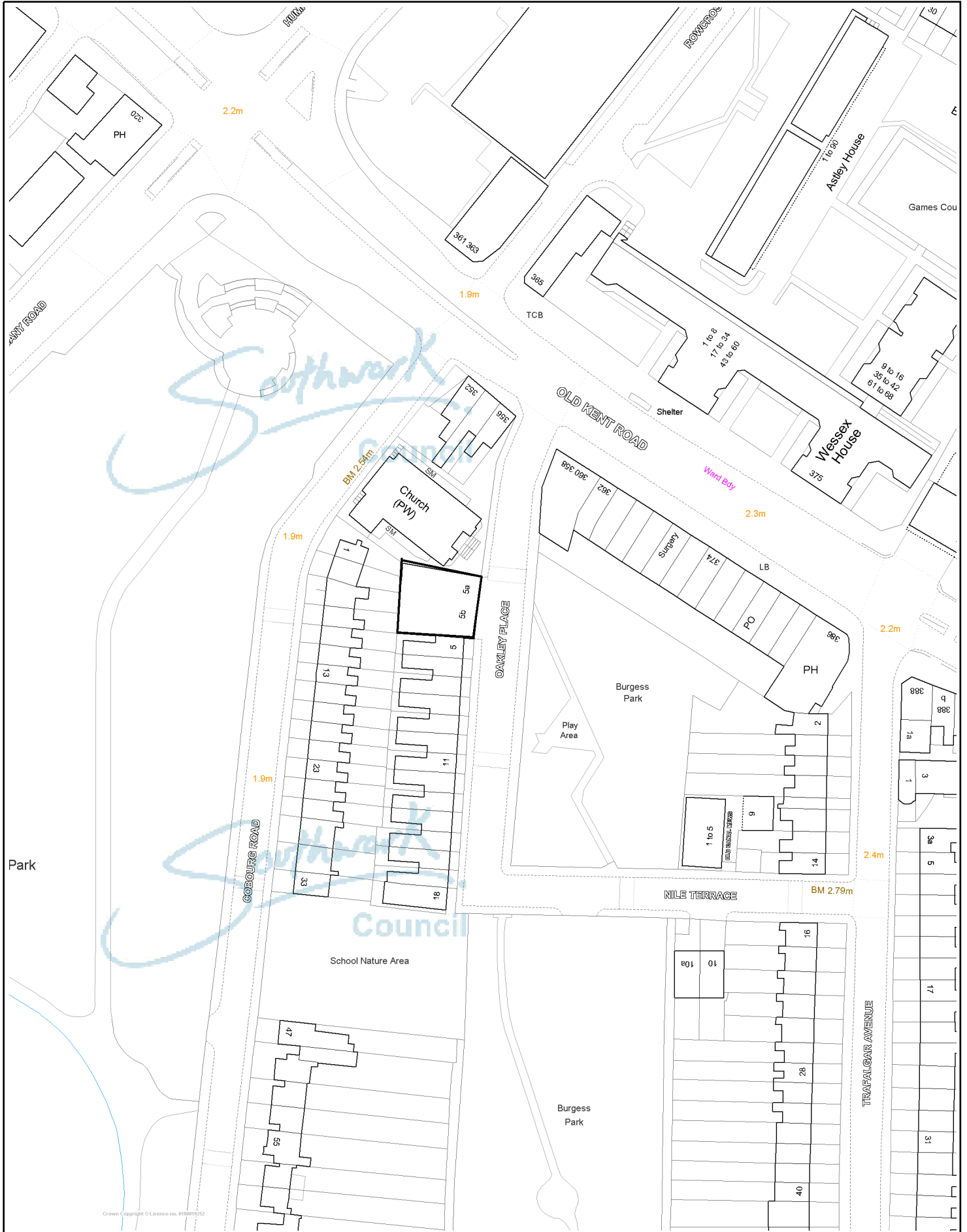


5a and 5b Oakley Place



Item Nos. 4 and 5	Classification OPEN	Decision Level WALWORTH COMMUNITY COUNCIL	Date 23/7/2007
From INTERIM HEAD OF DEVELOPMENT AND BUILDING CONTROL		Title of Report DEVELOPMENT CONTROL	
Proposal (06-AP-1450) and (06-AP-1452) (a) Erection of part two, part three storey building with roofspace to provide 6 flats; and (b) Conservation Area Consent for the demolition of the complete building on site.		Address 5A-5B OAKLEY PLACE, LONDON, SE1 5AD Ward East Walworth	

PURPOSE

- 1 The application has been referred to the Community Council for consideration due to the number of objections received.

RECOMMENDATION

- 2 Grant Planning Permission subject to a Section 106 Obligation to change the Traffic Management Order to prevent future occupiers of the proposal from obtaining parking permits.
- 3 Grant Conservation Area Consent.

BACKGROUND

Site location and description

- 4 The application site premises are located on the west side of Oakley Place, just south of the junction with Old Kent Road.
- 5 The existing premises are used as a joinery workshop and for the preparation of fittings for installation in shops. The existing premises is single storey with a roof extension that takes up all of the site without any outdoor amenity space. The first floor roof extension located on part of the roof is used as ancillary office space in connection with the business premises.
- 6 The site is within the Cobourg Conservation Area which is a predominantly residential area. To the south and west of the site are residential terraced properties within Oakley Place and Cobourg Road. Directly to the north of the site is a church and to the east the open space of Burgess Park that is overlooked at its northern aspect by the rear of properties that front onto the Old Kent Road.

Details of proposal

- 7 The proposal seeks to demolish the existing buildings on the site and erection of a part two, part three storey plus roof space building comprising of 3, one bedroom flats and 3, two bedroom maisonettes. The proposal meets the minimum room sizes as set out in the Supplementary Planning Guidance.

8

The proposal has been designed to echo the existing terraced houses along the road with bay windows and similar detailing and have the appearance of terraced houses. The flats would be built in brick work to match the existing houses and are to be a similar scale and bulk to the existing properties. The length/depth of the proposed building is 12.4 metres and on average the length of the existing houses are 14 metres.

9

The proposal provide's a small communal garden to the rear and cycle stands and refuse area to the front. There is a proposed external staircase on the right hand side of the building serving one of the two bedroom units, the rest of the units are accessed by internal staircases.

Planning history

10 Planning permission was granted on 20 May 1980 for a first floor roof extension.

11 There is an outstanding application for the construction of a terrace of three 2-storey properties, which follow the same footprint and design as the neighbouring terraced properties in Oakley Place. (Ref: 06-AP-1450). This application is currently awaiting the expiration of the consultation period expire.

12 Planning permission was refused in November 2005 for a similar application to this proposal and it was refused for the following reasons:-

1. The proposal would have a detrimental impact on the character and appearance of the Cobourg Conservation Area, and would not comply with Policy E.2 (Urban Design); Policy E 2.3 (Aesthetic Control); E.4.3 (Proposal Affecting Conservation Areas) as set out in the adopted Southwark Unitary Development Plan (July 1995) and Policy 3.11 (Quality in Design); Policy 3.13 (Urban Design); Policy 3.15 (Conservation and the Historic Environment) and Policy 3.16 (Conservation Areas) of the Revised Draft Southwark Plan (February 2005).

2. The proposed rear balconies are considered to result in the loss of amenity to residents and occupiers to surrounding residential properties. The proposed development does not accord with Policy E.3.1 (Protection of Amenity) of Southwark's Unitary Development Plan (adopted July 1995) and Policy 3.2 (Protection of Amenity) to The Southwark Plan Revised Deposit Draft, (February 2005).

3. The mix and internal layout of the proposed flats do not comply the Council's minimum space standards as set out in SPG 5 Standards, Controls and Guidelines for Residential Development; and will not accord with Policy H.1.8 (Standards for New Housing); and Policy H 1.5 (Dwelling Mix of New Housing) as set out in the adopted Southwark Unitary Development Plan (July 1995) and Policy 4.2: (Quality of Residential Accommodation) and Policy 4.3 (Mix of Dwellings) as set out in the Revised Draft Southwark Plan (February 2005)

Planning history of adjoining sites

13 No relevant planning history.

FACTORS FOR CONSIDERATION

Main Issues

14 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] The acceptability of the proposal in terms of its impact upon the neighbouring amenity, and the amenity of the future occupants.

c] The acceptability of the proposal in terms of its aesthetic impact upon the existing building and the surrounding street scene.

Planning Policy

- 15 At its meeting on 28th March 2007 the Council resolved to adopt the emerging Southwark Unitary Development Plan [Modifications version March 2007] subject to consultation on revised wording in respect of policies 4.1, 4.2 and 4.4 prior to formal adoption in June 2007. Whilst the 1995 Unitary Development Plan remains the statutory development plan until such time as the emerging plan is formally adopted, the Council will give predominant weight to the 2007 plan policies in determining pending applications unless material considerations indicate otherwise.

Southwark Plan 2007 [Modifications Version]

3.11 Efficient Use of Land

3.2 Protection of Amenity

3.12 Quality in Design

3.13 Urban Design

3.16 Conservation Areas

4.2 Quality of Residential Accommodation

4.3 Mix of Dwellings

5.2 Transport Impacts

Southwark Unitary Development Plan 1995 [UDP]

E.2.3 Aesthetic Control

E.3.1 Protection of Amenity

E.4.3 Proposal Affecting Conservation Areas

H.1.5 Dwelling Mix for New Housing

H.1.8 Standards for New Housing

T.1.2 Location of Development in relation to the Transport Network

Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

Supplementary Planning Guidance: Residential Design Guidelines 1997.

Consultations

Site Notice:

02/08/06 and 13/6/07

Press Notice:

10/08/06

Internal Consultees

Design & Conservation

Transport

Statutory and non-statutory consultees

None

Neighbour consultees

A number of nearby neighbours were consulted. A list of these is attached as an appendix.

Re-consultation

The re-consulted neighbours are the same as the list in the appendix, re-consultation took place due to the submission of amended plans

Consultation replies

Internal Consultees

Transport - No objection.

Statutory and non-statutory consultees

None

Neighbour consultees

5 Oakley Place - objection: The loss of daylight/sunlight into their kitchen, dining room and bedroom. The only windows into these rooms run along the side of the property and as such would be over shadowed by any wall increasing in height as there is currently not enough daylight reaching the windows, further development would significantly impact the sunlight entering these rooms.

Health and safety as well as issues with noise and pollution have been raised during the duration of the construction.

5 Oakley Place has structural problems with subsidence, which would require significant work if the proposed development were to take place.

6 Oakley Place - objection: There would be no off street parking which would increase the already heavily sort after parking spaces.

The facade of the new development is not in keeping with the rest of the Victorian terrace.

5 Cobourg Road - Under Section 3 of the Prescription Act 1832, when access and use of light to any building has been actually enjoyed without interruption for a period of 20 years, the right to it is deemed to be absolute and in defeasible. Therefore the lose of light produced from this development would be unacceptable.

Lose of privacy issues have been raised from the proposed rear elevation.

PLANNING CONSIDERATIONS

Principle of development

- 16 The removal of the existing building is considered acceptable given it has no historical or architectural merit nor is it original to the area. The building does not compliment the adjoining terrace nor does it enhance the special character of the Cobourg Conservation Area.
- 17 The proposed building has been designed to be of a similar appearance to the existing terrace houses in the road. This has overcome the previous reason for refusal on design grounds. The proposal now complies with the Council's minimum room sizes and no balconies are proposed which causes concern in respect to privacy issues.

Environmental impact assessment

- 18 Not required due to the size of the proposal.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

Dwelling mix

- 19 The mix of dwellings proposed, 3, two bedroom and 3, one bedroom units is acceptable. The ground floor units would have access to private amenity space. The proposal complies with policy 4.3 'Mix of Dwellings' of the emerging Southwark Plan.

Daylight and Sunlight

- 20 There has been objections raised to the proposal on the grounds that it would block out light, and issues have been raised in respect to right to light and the Prescription Act 1832. However, this is a civil matter and the proposal needs to be assessed using the BRE guidelines in respect to sunlight and daylight. There would be a degree of overshadowing, leading to loss of light into the kitchen, dining room and bedroom of 5 Oakley Place which are the only windows into those rooms. The rooms run along the side of the property and face an existing wall of 5A - 5B Oakley Place.

Room sizes and amenity for future occupiers

- 21 The room sizes proposed for the replacement dwelling comply with the standards given in the Residential Design Guidelines. As such, the development complies with policy 3.2 'Protection of Amenity', in respect to the amenities of future occupiers. Cycle and refuse storage are also to be provided in line with Council policies.

Noise and disturbance during construction

- 22 While this issue is not a material planning matter, an objection has been raised would could be controlled by the Council's Environmental Health department. An informative is recommended to remind the applicant of the need to comply with the Council's Code of Practice for Construction Sites.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 23 The area is predominantly residential and therefore there would be no likely impact on the future occupiers of the proposal.

Traffic issues

- 24 Transport have raised no objection to the proposed development on highway or traffic grounds provided that future occupiers are exempt from obtaining parking permits. Residents have identified that there is a current problem with finding parking spaces and the restriction of parking permits will ensure that this problem is not made worse.
- 25 In terms of cycle and refuse storage, each flat has space for the storage of one secured bicycle stand, and one 240L wheelie bin. This is considered adequate provision for the proposal, however, further details of how the cycle stands will be secured are required and subject to a condition.

Design issues

- 26 It is considered that redesign of the proposal has solved the design problems of the earlier proposal. The bulk, mass and height of the proposed scheme matches that of the existing terrace, and is generally acceptable in this conservation area. One issue of concern with the previous plans was the height of the eaves line, which did not match the existing terrace, this has since been remedied with the revised proposal. The massing of the end flat was also different from the existing houses within the terrace but this has now been set back to reduce the impact and to ensure that it fits sensitively within the street scene
- 27 The design has been carefully considered and detailed to continue the existing terrace sympathetically. The rooflights on the front elevation has since been removed, retaining the integrity of the entire terrace.
- 28 The existing building, which is to be demolished, is not in keeping and of poor appearance and does not compliment the adjoining terrace nor does it enhance the character of the Cobourg Conservation Area. Therefore its demolition is considered acceptable.
- 29 It is considered that the proposal is in accordance with policy 3.12 'Quality in Design' of the emerging Southwark Plan, which states "New buildings and alterations to existing buildings should embody a creative and high quality, appropriate design solution, specific to their site's shape, size, location and development opportunities."

Impact on character and setting of a listed building and/or conservation area

- 30 The existing building, which is to be demolished, does not compliment the adjoining terrace nor does it enhance the special character of the Cobourg Conservation Area. The proposed building is considered to make a positive contribution to the conservation area.

Planning obligations [S.106 undertaking or agreement]

- 31 A S106 obligation is required to prevent future occupiers from obtaining parking permits.

Other matters

- 32 Residents have raised concerns in respect to subsidence, this is not a material planning consideration but would be considered when the applicant sought Building Regulation approval.

Conclusion

- 33 The existing building makes no contribution to the setting and appearance of the Cobourg Conservation Area, whereas the proposed building is considered to improve the appearance of the conservation and make a positive contribution to the street scene.

COMMUNITY IMPACT STATEMENT

- 34 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as the possible impact upon car parking and increased activity in the area.

c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications have been resolved through several amended schemes before this design had been finalised.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

35 The proposal will make better use of this brownfield site.

LEAD OFFICER	David Stewart	Interim Head of Development and Building Control
REPORT AUTHOR	Kevin Tohill	Development Control [tel. 020 7525 55461]
CASE FILE	TP/2369-5B	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

Appendix

5 OAKLEY PLACE LONDON SE1 5AD
6 OAKLEY PLACE LONDON SE1 5AD
7 OAKLEY PLACE LONDON SE1 5AD
356 OLD KENT ROAD LONDON SE1 5AA
358 OLD KENT ROAD LONDON SE1 5AA
362 OLD KENT ROAD LONDON SE1 5AA
5B OAKLEY PLACE LONDON SE1 5AD
ST GEORGES METHODIST CHURCH OAKLEY PLACE LONDON SE1 5AD
364 OLD KENT ROAD LONDON SE1 5AA
GALVARNEYS SHOPFITTERS LIMITED OAKLEY PLACE LONDON SE1 5AD
360 OLD KENT ROAD LONDON SE1 5AA
350-354 OLD KENT ROAD LONDON SE1 5AA
FLATS 360 OLD KENT ROAD LONDON SE1 5AA
FLATS 362 OLD KENT ROAD LONDON SE1 5AA
1 COBOURG ROAD LONDON SE5 0HT
11 COBOURG ROAD LONDON SE5 0HT
13 COBOURG ROAD LONDON SE5 0HT
3 COBOURG ROAD LONDON SE5 0HT
5 COBOURG ROAD LONDON SE5 0HT
7 COBOURG ROAD LONDON SE5 0HT
9 COBOURG ROAD LONDON SE5 0HT
FIRST FLOOR FLAT 360 OLD KENT ROAD LONDON SE1 5AA
FIRST FLOOR FLAT A 358 OLD KENT ROAD LONDON SE1 5AA
ADVERTISING RIGHT 356 OLD KENT ROAD LONDON SE1 5AA
ADVERTISING RIGHT 358 OLD KENT ROAD LONDON SE1 5AA
FLAT 1 362 OLD KENT ROAD LONDON SE1 5AA
FLAT 2 358 OLD KENT ROAD LONDON SE1 5AA
FLAT 2 360 OLD KENT ROAD LONDON SE1 5AA
FLAT 2 362 OLD KENT ROAD LONDON SE1 5AA

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr R. Varney Galvarneys Shopfitters Ltd	Reg. Number	06-AP-1450
Application Type	Full Planning Permission	Case Number	TP/2369-5B
Recommendation	Grant		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

The erection of a part two, part three storey building with roof space comprising of 3, one bedroom flats and 3, two bedroom flats.

At: 5A-5B OAKLEY PLACE, LONDON, SE1 5AD

In accordance with application received on 21/07/2006

and Applicant's Drawing Nos. OP 01 B, OP 10 F, OP 11 F, OP 12 F, OP 13 F, OP 14 F, OP 15 F, OP 16 F, OP 17 F, OP 18 F, OP 19 B

Design Statement (10.08.06)

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The facing materials used in the carrying out of this permission shall match the original facing materials of the building at Oakley Terrace, including matching in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

Reason

To ensure that the new works blend in with the adjacent building in the interest of the design and appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

- 3 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

- 4 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce

reliance on the use of the private car in accordance with policy T.4.1 Measures for Cyclists of the Southwark Unitary Development Plan.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Policies 3.11, 3.2, 3.12, 3.13, 3.16, 4.2, 4.3 and 5.2 of the emerging Southwark Unitary Development Plan [March 2007].
- b] Policies E.2.3, E.3.1, E.4.3, H.1.5, H.1.8 and T.1.2 of The Southwark Unitary Development Plan 1995
- c] Supplementary Planning Guidance: Residential Design Guidelines 1997

Particular regard was had to loss of daylight/sunlight and overshadowing that would result from the proposed development but it was considered that this would be outweighed by the creation of new residential units, in keeping with the existing terrace which would enhance the character and appearance of the Conservation Area, that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Informatives

- 1 The developer should consult the Environment & Leisure Department to agree how the Council's Code of Construction Practice will be applied to the proposed development. Please contact the Pollution section, Chaplin Centre, Thurlow Street, SE17 (tel: 020 7525 5000).
- 2 You are reminded that you should not commence work to implement this permission until you have received Listed Building Consent.
- 3 All samples submitted must be clearly labelled with the LBS Reference Number of the original application and the address of the application site.
- 4 The details and/or samples required by the Condition(s) above must be accompanied by a letter stating:
 - 1. the LBS Reference Number which appears at the top of this decision notice;
 - 2. the full address of the application site;
 - 3. which condition(s) you seek to discharge; and
 - 4. a list of all drawing numbers/ sample name and manufacturer, together with the condition(s) they relate to.

Please note that the approval of details are subject to the same eight week timeframe as a full planning permission.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Mr R. Varney
Application Type Conservation Area Consent
Recommendation Grant

Reg. Number 06-AP-1452

Case Number TP/2369-5B

Draft of Decision Notice

Conservation Area Consent was GIVEN to demolish the following:

Demolition of the complete building on site.

At: 5A-5B OAKLEY PLACE, LONDON, SE1 5AD

In accordance with application received on 21/07/2006

and Applicant's Drawing Nos. OP 01 B, OP 10 F, OP 11 F, OP 12 F, OP 13 F, OP 14 F, OP 15 F, OP 16 F, OP 17 F, OP 18 F, OP 19 B

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason
As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.
- 2 All waste materials associated with the demolition of the building shall be removed and the site made good.

Reason
In the interest of the appearance of the area in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.
- 3 The works of demolition hereby permitted shall not be begun until planning permission for an acceptable replacement scheme has been secured, and a contract has been entered into by the developer to ensure that the demolition is, as soon as possible, followed by the erection of the building permitted by the approved planning permission and the Local Planning Authority have given their agreement in writing to those contracts.

Reason:
To ensure that the proposed demolition works do not have a longer term detrimental impact on the character and appearance of the Conservation Area.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Policy E.4.3 'Proposals affecting Conservation Areas' of the Southwark Unitary Development Plan 1995
- b] Policy 3.15 'Conservation of the Historic Environment' of the Southwark Plan [Revised Draft] February 2005.

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.