Committee | PLANNING COMMITTEE B
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Report Title | ORCHARD GARDENS ESTATE, CONINGTON ROAD SE13 (land to the side of 1 Columbine Way)
Ward | Lewisham Central
Contributors | Monique Wallace
Class | PART 1

Reg. Nos. | DC/13/83181
Application dated | 11.04.13
Applicant | Mr S Wood of PRP Architects on behalf of Ms S Thomas Affinity Sutton
Proposal | The construction of a two storey building at Orchard Gardens Estate, Conington Road SE13 (land to the side of 1 Columbine Way) to provide 3, three bedroom terraced houses and a community centre.


Background Papers | (1) Case File LE/988/B/TP
(2) Adopted Unitary Development Plan (July 2004)
(3) Local Development Framework Documents
(4) The London Plan

Designation | Existing Use

1.0 Property/Site Description

1.1 The site is located on the east side of Conington Road, within the Orchard Gardens Estate. The land is in the south east part of the estate and is a vacant plot measuring 606m² (0.06ha), currently serving as turfed amenity space. It is rectangular in shape with a frontage of 38m to Conington Road. The north eastern frontage faces Columbine Way, a pedestrian route within the Estate that provides access to dwellings surrounding a substantial central landscaped green within the estate.
1.2 To the north is a terrace of two storey houses which have frontages to both Conington Road and Columbine Way. These houses have rear gardens and high brick boundary walls facing onto Conington Road while their main frontages and entrances face Columbine Way and the central open space. To the south is a four storey residential block.

1.3 The land slopes downwardly from Lewisham Hill from north to south and from north/north east to south west.

1.4 On the opposite side of Conington Road, is the vehicular exit/HGV exit and entrance to the Tesco store and petrol station. Further south east, is the 1-3 storey flank of the store itself.

1.5 To the north west on the opposite side of Conington Road is a recently constructed residential development ranging from 4 to 7 storeys. This development has a frontage onto Conington Road.

1.6 The site is not within a Conservation Area, there are no Listed Buildings within the immediate vicinity and Conington Road is not a Classified road.

2.0 Planning History

2.1 There is no relevant planning history for the site, however as part of a stock transfer programme, Affinity Sutton took over the management of the Orchard Gardens Estate in 2009. As part of the stock transfer Affinity Sutton agreed to carry out refurbishment works to the estate and to provide a new community facility. The estate refurbishment works are now complete.

Pre-application

2.2 The Council’s Planning Service encourages developers to engage in pre-application discussions on emerging schemes before the proposals are far advanced. This approach is encouraged as it provides an early opportunity to resolve concerns prior to the formal submission of a planning application.

2.3 The Statement of Community Involvement submitted with the application documents notes that the applicant has engaged in consultation with residents since 2010 in relation to the provision of a community facility. Since then, various consultation meetings have taken place with residents, resulting in the proposal which is the subject of the current planning application. However no pre-application advice was sought from the Planning Service.

3.0 Current Planning Application

The Proposal

3.1 The proposal is for the construction of a two storey building comprising three, two storey, 3 bedroom, 5 person houses and a community facility.

3.2 The houses would face onto Columbine Way where entrances would be located and would have rear gardens backing onto Conington Road, with 2.2m high boundary walls and railings separating the gardens from Conington Road.

3.3 The 3 new dwellings are to be for affordable rent.
3.4 The two storey building includes a community facility at the south eastern end of the proposed block. This too would have its main frontage onto Columbine Way, and would be surrounded to the south east and south west by landscaping. A canopy would overhang the south eastern flank of the building, providing an external covered amenity area directly accessed from the proposed building. The community facility would measure 133m over two floors. Each floor would comprise a main hall/room measuring 35m² and each would have access to toilets and kitchen facilities. The community centre would have lift access between the ground and first floors.

3.5 In terms of materials, brick is the principle facing material. The proposed new building would have a pitched roof with a large canopy to the side, derived from an extension of the roof.

3.6 The elevations to the houses are articulated with vertically emphasised projecting bay windows. The doors and windows will be powder coated aluminium. The houses would have small front gardens incorporating refuse/recyclables storage in a covered recessed area with access onto Columbine Way.

3.7 The community centre would continue the same materials, but has a greater expanse of brickwork.

Supporting Documents

3.8 The application was submitted with a Design and Access Statement. The document sets out the context of the site and its environs, site history and character and summarises the opportunities and constraints of the site. The document also refers to planning policy.

3.9 There are no trees on the site, however the Arboricultural Impact Assessment submitted with the application makes reference to the Sycamore and Norway Maple trees located in the larger communal grounds in the centre of the estate, immediately north east of the application site. The Assessment advises that there is only one Sycamore tree which overhangs the application site but which is nearing its useful life expectancy. The document concludes by advising that the development can be implemented without undue impact upon trees.

3.10 A pre-assessment BREEAM report advises that the community centre could potentially achieve a rating of ‘Very good’.

3.11 The Code for Sustainable Homes Pre-Assessment report advises that the proposed dwellings could potentially achieve Level 4. This document provides the level prediction based on a series of assumptions, one of which includes the development achieving a minimum 10% reduction in CO₂ (page 4).

3.12 An Energy Strategy Report assessed the most suitable provision of energy for the three dwellings and the community centre. It advises that achieving a 20% reduction in CO₂ is an aspiration of the London Plan and not policy. The document concludes by advising that the dwellings should be fitted with energy saving appliances to achieve the required savings.

3.13 The Transport Statement advises that the site is very well located in terms of both public transport and local amenities. The proposed development is car free, but
the document concludes that any impact to the nearby Controlled Parking Zones would be negligible.

3.14 A Geotechnical & Land Contamination Assessment advises that there is no evidence of contaminants on the proposal site. More recent, nearby developments are located downhill of the development site and therefore any contaminants found in those sites are unlikely to be able to migrate to the application site. A site watching brief is however, recommended.

3.15 A Statement of Community Involvement was also submitted with the application. In its introduction, the Statement of Community Involvement advises that Affinity Sutton owns over 50 community centres across the country. The document advises that the transfer of 111 dwellings on the Orchard Gardens Estate took place in 2009. As part of the transfer, a community facility was to be provided in the vicinity, comprising a meeting place for residents. During the refurbishment works, the application site was used as a site compound to accommodate the materials for the refurbishment. Since the completion of the works, the site has been turfed over and maintained by Affinity Sutton, pending the current proposals.

4.0 Consultation

Pre application consultation

4.1 The community facility has been discussed between residents and Affinity Sutton since 2010 through a series of meetings and presentations and a site visit to another community facility. Assessments were also made of the existing and proposed community facilities in the area. Residents concluded with Affinity Sutton that a smaller community facility would be easier to manage.

4.2 The document concludes by confirming that the final design was achieved through consultation with residents (and a freeholder) of the Orchard Gardens Estate and local Councillors.

Council’s Consultation

4.3 The Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement.

4.4 Five site notices were displayed in locations on the Orchard Gardens Estate and on the community notice board and letters were sent to residents close to the site. Relevant ward Councillors were also notified. Thames Water and the Metropolitan Police were also consulted.

Written Responses received from Local Residents

4.5 A petition (16 signatories) and five individual responses from local residents have been received in support of the application proposals. The matters raised in the responses are as follows:

- The new houses need to face inwards in order to be part of the existing community
- The provision of a community centre was promised by Affinity Sutton as part of the stock transfer
• The community centre is urgently needed, it has been a long time since the transfer took place

• The centre is needed to bring life to Conington Road

• Would be very unhappy with the substantial changes to the layout and access to the community building that have been proposed to Affinity Sutton.

Written Responses received from Statutory Agencies

Thames Water

4.6 No objection but informatives pertaining to SUDS and sewerage pipes were suggested.

Highways and Transportation

4.7 No objection given the small size of the community facility and the small number of units.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

A local finance consideration means:

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.
National Planning Policy Framework

5.3 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a ‘presumption in favour of sustainable development’. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain’s economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government’s expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.

5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

London Plan (July 2011)

The London Plan policies relevant to this application are:
- Policy 2.15 Town centres
- Policy 3.2 Improving health and addressing health inequalities
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.17 Health and social care facilities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London’s Neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

5.7 The London Plan SPG’s relevant to this application are:

- Housing (2012)

London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance relevant to this application are:

- Control of dust and emissions from construction and demolition (2006)
- Wheelchair Accessible Housing (2007)

Core Strategy

5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough’s statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 2  Regeneration and Growth Areas
- Spatial Policy 5  Areas of Stability and Managed Change
- Core Strategy Policy 1  Housing provision, mix and affordability
- Core Strategy Policy 8  Sustainable design and construction and energy efficiency
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 12 Open space and environmental assets
- Core Strategy Policy 14  Sustainable movement and transport
- Core Strategy Policy 15  High quality design for Lewisham
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
- Core Strategy Policy 20  Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Unitary Development Plan (2004)

5.10 The saved policies of the UDP relevant to this application are:

- URB 3 Urban Design
- URB 12 Landscape and Development
- URB 13 Trees
- OS 7 Other Open Space
- ENV.PRO 11 Noise Generating Development
Residential Standards Supplementary Planning Document (August 2006)

5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Planning Obligations Supplementary Planning Document (January 2011)

5.12 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Emerging Plans

5.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.14 The following emerging plans are relevant to this application.

Development Management Local Plan

5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. The Proposed Submission Version has been to Mayor and Cabinet for approval for public consultation which is anticipated to be completed in early October 2013. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 7 Affordable rented housing
DM Policy 22 Sustainable design and construction
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 27 Lighting
DM Policy 28 Contaminated Land
DM Policy 29 Car parking
DM Policy 30 Urban design and local character

- General principles
- Detailed design issues

DM Policy 32 Housing design, layout and space standards

- Siting and layout of development
- Internal standards

DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas

- General principles
- Infill sites
- Amenity areas

DM Policy 35 Public realm
DM Policy 41 Innovative community facility provision

Lewisham Town Centre Local Plan (submission version, 2012)

The application site is within the ‘out of centre’, Conington Road section of the Lewisham Town Centre as designated by the Lewisham Town Centre Local Plan. The ambitions of the plan seek to make use of the immediate transport links and makes reference to the redevelopment of the Tesco site. The Plan makes no specific reference to the Orchard Gardens Estate. However, the overall aspirations for the area generally are to be applied.

Planning Considerations

The main issues to be considered in respect of this application are:

a) Principle of development
b) Design policy
c) Design
d) Housing
e) Highways and Traffic Issues
f) Noise
g) Impact on Adjoining Properties
h) Sustainability and Energy

Principle of Development

The site is currently used as informal amenity space within the estate, which it would normally be desirable to retain. However, the space is adjacent to the
central green space to the immediate north east of the site and there are two further courtyard open spaces within the estate. It is noted that the land was previously used as a site compound during the estate refurbishment works. Given the availability of alternative open space within the estate, and the evident support for the provision of a new community facility, the loss of the amenity space is considered acceptable.

6.3 The Housing chapter in the London Plan (2012) sets out that the policies in the plan encourage the provision of new homes. Policy 3.4 ‘Optimising Housing Potential’ seeks to optimise housing provision, taking into account local context and character, the design principles in Chapter 7 (of the London Plan) and public transport capacity. It goes on to state that development proposals which compromise this policy should be resisted.

6.4 The site is well served by public transport and has a PTAL of 6b in which 1 is poor and 6 is excellent and has easy access to the facilities of Lewisham Town Centre. However, the policy necessitates consideration of the immediate built form and optimising developments in the context of their environs.

6.5 Lewisham’s Housing Implementation Strategy, including a statement of five year housing land supply at 1 April 2011, demonstrates that there is sufficient provision to meet and exceed (housing) requirements for the five year period 1 April 2012 to 31 March 2017. Paragraph 2.28 of Lewisham’s Housing Market Assessment 2007-2008 confirms that with reference to the types of housing produced, the housing strategy hopes to encourage the development of more family sized homes.

6.6 National and local planning policy is clearly in support of the provision of additional dwellings. However, the dwellings should not be provided to the detriment of urban design principles.

6.7 London Plan Policy 3.16 Protection and enhancement of social infrastructure (B) states that the provision of high quality infrastructure will be supported and (C) states that (community) facilities should be accessible to all and where possible, the multiple use of premises should be encouraged.

6.8 Core Strategy Policy 19 Provision and maintenance of community and recreational facilities states that the Council will ensure that community facilities and services are provided.

6.9 The development of the site is considered to be infill development. Policy HSG 8 of the Unitary Development Plan states that that backland and in-fill development will be permitted provided the following criteria are met:

a) sufficient garden depth and area should be retained by existing dwellings;

b) the scheme must respect the character of the area, including the cumulative impact;

c) the scheme must be particularly sensitively designed;

d) there must be a proper means of access, suitable for the entry and egress of service vehicles which is convenient and safe for both drivers and pedestrians;
e) on a road where additional on-street parking would not be permitted the development would not worsen any (on-street) parking problems;

f) there should be no appreciable loss of privacy and amenity for adjoining houses and their back gardens;

g) there should be no appreciable loss of wildlife habitat;

h) where the site was originally, in part or in whole, the private garden of one or more houses, the density calculation of the proposed development will take into account the site area of the original house and the number of habitable rooms in it.

6.10 Emerging Policy DM 33 of the Development Management Local Plan states that infill development within street frontages and on street corners will only be permitted where they:

a) make a positive contribution to the streetscene

b) provide a site specific response to the character and issues of the street frontage typology identified in the Lewisham Character Study, and any relevant Conservation Area Appraisal

c) result in no significant overshadowing or overlooking, and no loss of security to adjacent houses and gardens

d) provide appropriate amenity space in line with DM Policy 32 (Housing Design, Layout and Space Standards)

e) retain appropriate garden space for adjacent dwellings

f) repair the street frontage and provide additional natural surveillance

g) provide adequate privacy for the new development and;

h) respect the character, proportions and spacing of existing houses.

6.11 The provision of the new dwellings and community facility are supported in principle, subject to assessment of the design and impact of the proposal on the appearance/character of the surrounding area, the residential amenity of neighbouring properties and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy and community safety.

Design Issues

6.12 The NPPF sets out that good design is indivisible from good planning and that design is a key aspect of sustainable development. London Plan Policy 7.1 Building London’s Neighbourhoods and Communities states that development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure (including green spaces).

6.13 Core Strategy Policy 15 High quality design for Lewisham states the Council will a) ensure highest quality design which is sustainable, accessible to all, is sensitive to the local context and responds to local character; b) ensure design acts to reduce crime and the fear of crime; e) ensure that the development is adaptable to change.
Emerging DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas, states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape.

The building proposed for this infill location would continue the current terrace layout of Conington Road and Columbine Way. The proposed siting and alignment of the building is considered acceptable, however there are concerns in relation to the detailed design and visual impact of the proposal upon the appearance/character of Conington Road, Columbine Way and the surrounding street scene.

The proposed block would form a continuation to the built form of the existing two storey houses in Columbine Way. The pattern of development of this part of the estate fronting Conington Road does not exhibit the usual principles of good urban design, in that the back gardens of the houses face Conington Road, with the result that this section of Conington Road lacks activity and passive surveillance to the street and as a result has a poor pedestrian environment. The submitted Design and Access Statement refers to the inactive frontage of Conington Road and states the objective to improve this situation. As open space, the current gap would have the potential to provide a view into the central open space and provide some element of surveillance to the street; this would be shut off by closing this gap with built development. Development of the site provides the opportunity to create an element of active frontage to Conington Road and to increase the perception of pedestrian safety by integration of this part of the estate with Conington Road.

The proposed block has been designed with its main frontage on to the central area of the estate and thus continues this pattern of lack of an active relationship to the street. In initial discussions between officers and the applicants following submission of the application, officers argued that the opportunity should be taken to provide a fully active frontage to Conington Road.

Proposed Houses

The pavement level in Conington Road is almost a metre lower than the footpath at Columbine Way and it is accepted that, as far as the houses are concerned, there is an argument, in this instance, for maintaining the current pattern, in the context of the existing residential terrace facing Columbine Way. On balance it is considered that the orientation of the houses, with entrances onto Columbine Way, is acceptable.

The elevations of the houses to Columbine Way are articulated with vertically emphasised projecting windows and to Conington Road the elevations feature relatively large window openings. The doors and windows will be of powder coated aluminium. The contemporary appearance of the new dwellings is considered to provide a suitable elevation treatment that would not be at odds with the adjacent terrace, subject to detailed consideration of materials, if the application were recommended for permission.
**Community Facility**

6.20 Regardless of the facing direction of the houses, it is felt that the community centre should interact better with the street. With a different function as a community building, the design and architecture should reflect this and both signal the building's presence and improve the integration with the street and wider area.

6.21 In the submitted scheme the community centre would feature similar facing materials as the proposed houses, but has a greater expanse of uninterrupted brickwork to window ratio to the Conington Road and Columbine Way elevations, which results in a rather uninspiring appearance. The large canopy to the south-east flank of the building, formed by an extension of the roof, projects in a pointed form towards the four storey block of flats to the south east. Canopies normally provide shelter when entering a building and are therefore associated with the main entrance. Where this is not the case, a canopy usually forms a subsidiary part of a building, which does not detract from the main entrance. In this case the scale and orientation of the prominent canopy suggests the entrance, however the canopy does not relate to the entrance to the building and results in an incoherent element. The actual entrance to the community facility is designed as a repetition of the domestic entrance to the proposed houses, with a small domestic door and canopy.

6.22 Larger windows could have been accommodated in a revised design of the building, creating light and activity onto Conington Road, but the building fails to maximise the opportunity to provide a legible and attractive frontage that would enhance the street scene and contribute to a perception of safety.

6.23 In their representations in support of the scheme residents state that the current design of the community centre is the result of significant consultation, has already been subject to compromise as to size and is for the sole use of Orchard Gardens residents. The provision of a community facility in this location is supported, however the design would perpetuate the current inactivity along Conington Road and would fail to provide an attractive addition to the street scene.

6.24 A further point of concern is the close proximity of the main entrance of the community centre to the entrance of the adjoining new dwelling. The entrance to the community centre would be only 2.5m from the closest new house and this proximity is likely to give rise to disturbance from users coming and going or lingering outside the entrance. Officers consider this relationship could be improved by revisions to the design.

6.25 Overall it is considered that the proposed community facility element of the scheme fails to address the concerns outlined above and fails to provide satisfactory frontage to Conington Road and an enhanced pedestrian environment. Accordingly the design is considered unacceptable.

**Housing Issues**

6.26 Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new housing relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities
and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is a material consideration, and contains further guidance on internal layout. A 3 bedroom, 5 person dwelling should have a minimum floor area of 96m².

6.27 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants. It states that new dwellings should provide a satisfactory level of privacy, outlook and natural lighting with an appropriate level of amenity space.

6.28 The development proposes 100 dwellings per hectare, using 0.03 as the site area, as the rest of the site is proposed for the community facility. The density range recommendation in the London Plan is 140-290 dwellings per hectare, so the application site would not be overdeveloped in that context.

Size and Tenure of Residential Accommodation

6.29 All three dwellings are identical in size and have the same floor layouts. At 99m², the proposed new dwellings adhere to the required overall floor areas and room size standards as set out within the London Mayor's Housing SPG. The proposed standard of accommodation is considered to be acceptable.

6.30 All three new dwellings are to be socially rented tenure.

Standard of Residential Accommodation

6.31 The proposed new dwellings would be dual aspect and would have adequate privacy and outlook.

6.32 Policy HSG 7 Gardens of the UDP states that the Council will seek in all new dwellings the provision of a readily accessible, secure, private and useable external space. It goes on the state that family dwellings should be provided with their own private garden area and that normally, a minimum garden depth of 9m will be required. In this instance the houses have garden depths of 6m. Whilst the gardens are below the normal 9m length requirement, and incorporate a change in levels, the gardens are considered acceptable in the context of this town centre site and they would largely accord with adjacent garden sizes. They are of a practical shape and are considered to provide acceptable amenity provision and would accord with DM Policy 32 which states that ‘family houses should be provided with their own private garden area of a size appropriate to the design and configuration of the housing site, the size of the houses and their intended occupancy’

6.33 In respect to the dwelling adjacent to the proposed community facility, it is considered necessary to ensure that the future occupiers would not suffer from undue noise and disturbance from the adjacent use. If the proposals were otherwise acceptable, conditions could be imposed requiring noise protection insulation to be installed between the dwelling and community facility.

Impact on Adjoining Properties

6.34 The proposed houses would have a deeper plan than the adjacent terrace and would be set slightly back from the frontage of the adjacent property at No.1 Columbine Way so that the rear elevations of the proposed terrace would be 2.8m.
closer to Conington Road. There would be a gap of 1.5m from the flank of No.1 Columbine Way.

6.35 The existing houses are two storey in height as are the proposed new dwellings, and it is not considered that the proposed dwellings would have any adverse impact in terms of outlook and access to light.

6.36 The proposed community centre is 14m from the four storey block to the east. Officers consider that any physical impact from the community centre to these properties would be negligible given the distance.

6.37 Overall, with the imposition of conditions, were the application acceptable in other respects, it is considered that the provision of three new dwellings and a community facility would be acceptable in relation to impact on the amenities of neighbouring occupiers.

Highways and Traffic Issues

Access

6.38 The Council’s Highways department have not raised any objections to the proposed new dwellings, nor to the proposed community centre.

6.39 Columbine Way is a pedestrian access route within the estate. However, as the houses have access directly from Conington Road, the houses can be accessed from either the front or rear entrances to the properties.

6.40 The community centre is for the use of the estate residents who would primarily visit the centre by foot. However, to ensure its viability, it may be hired out to other users living away from the estate. The site has a very good Public Transport Accessibility Level (PTAL) with a number of public transport options, so the absence of any parking provision is considered to be acceptable in this instance.

Servicing

6.41 Any servicing necessary for the community centre can take place from the designated parking bays in Conington Road which is considered to be acceptable.

Cycle Parking

6.42 The proposed houses have back gardens, directly accessible from Conington Road. Cycle parking is proposed in sheds in each of the gardens, large enough to accommodate 2 cycles. For 3 bed, 5 person units, storage of this size and in the proposed location are considered to be acceptable. If occupiers need more storage, the garden provides a convenient and safe location to add further storage.

6.43 No cycle parking was provided for the community centre, nor is justification for the lack of cycle parking provided in the Design and Access Statement. It is assumed that the lack of provision is due to the intention of users to be solely from the estate which would reach the facility by foot. However, if the site is to be offered to users from outside of the estate to ensure the viability of the community centre, then cycle parking should be provided. This could be required by condition if the proposals were otherwise acceptable.
Car Parking

6.44 The houses would have gated access from their gardens onto Conington Road, which has parking bays managed through the Control Parking Zone (CPZ). Officers consider the lack of parking provision for the additional dwellings to be acceptable given the high PTAL for the site. In the context of the existing estate, the additional parking demand created by three new dwellings would not be significant.

Refuse

6.45 Residential Development Standards SPD (2006) seeks to ensure that all new developments have adequate facilities for refuse and recycling. This requirement is repeated in the London Mayors SPG.

6.46 The refuse storage and collection would repeat the existing arrangements of the estate; both the community centre and the houses would have refuse storage locations facing Columbine Way. The Council’s Highways department have not raised any objections to this arrangement and therefore it is considered to acceptable.

Noise

6.47 Paragraph 4.7 of the Design and Access Statement advises that the community centre would be ‘small scale’ although projected maximum numbers of users are not provided. The ground and first floor community rooms would be approximately 35m². In practice, the modest size of the two main rooms indicates that the level of noise and disturbance derived from the community centre would not be excessive in the context of a residential environment. That said, the Design and Access Statement also refers to the possibility of holding parties at the site. For that reason, and due to the adjacent and other nearby residents, officers would consider it necessary to add a condition limiting the hours of use of the centre and a condition regarding noise insulation, were the proposal acceptable in other respects.

Sustainability and Energy

Renewable Energy

6.48 Core Strategy Policy 8 ‘Sustainable design and construction and energy efficiency states that the Council will explore opportunities to improve the energy standards and other sustainability aspects involved in new developments and that it will expect all new development to reduce CO₂ emissions through a combination of measures including maximising the opportunity of supplying energy efficiently for new developments and meeting at least 20% of the total energy demand through on-site renewable energy. It also states that all new residential development will be required to achieve a minimum of Level 4, Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. Further, Core Strategy Policy 1. Housing provision, mix and affordability also requires all new development to achieve Lifetime Homes.

Both the London Plan and the Core Strategy require a 20% reduction in CO₂ emissions for major developments. The Energy report thoroughly investigates ways in order for the development to reduce the CO₂ levels through the use of renewable technologies. The document concludes by advising the use of A+ rated appliances within the properties.

Core Strategy and London Plan policies require all new dwellings to achieve Lifetime Homes and Code for Sustainable Homes, Level 4 which is being achieved.

Core Strategy Policy 8 requires ‘All minor and major non-residential development will be required to achieve a minimum BREEAM ‘Excellent’ standard, or any future national equivalent. The BREEAM report submitted with the application advised that the community centre would achieve a ‘good’ standard’, one standard below that required.

The failure to achieve the policy requirement of BREEAM ‘Excellent’ is contrary to policy and should form one of the grounds for refusal of the planning application.

Local Finance Considerations

Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

The weight to be attached to a local finance consideration remains a matter for the decision maker.

The Mayor of London’s CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Equalities Considerations

Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
8.4 The Design and Access Statement advises that the community centre would provide an intimate meeting place for the residents of the Orchard Garden Estate.

8.5 The principle of development is acceptable in planning terms. The concern is with the proposed design of the community centre. In purposefully turning its back onto Conington Road, and by having a large expanse of brickwork, set against a limited number of openings, the opportunity to provide natural surveillance to Conington Road and thus significantly improve pedestrian perception of safety when walking along Conington Road, is lost.

8.6 The planning system has to consider developments in their wider context by creating spaces for everyone, not just the applicant and the intended users. For that reason, on balance, officers consider that in refusing the application the Council is exercising its duty to ensure that equality obligations are applied.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

9.2 On balance, Officers consider that the design of the proposed community centre fails to provide a well designed building and also fails to capitalise upon the opportunity to make Conington Road a safer place for pedestrians.

9.3 The application also fails to attain a BREEAM standard of ‘Excellent’ which is contrary to Core Strategy Policy 8 Sustainable design and construction and energy efficiency.

10.0 RECOMMENDATION

Refuse planning permission for the following reason;

1. The proposed community centre element by reason of its design, orientation and solid to void ratio of the main elevations, would fail to provide an acceptable development that provides surveillance to the street scene in Conington Road and relates satisfactorily to neighbouring buildings. The proposal is therefore contrary to Policy 7.6 Architecture in the London Plan (July 2011), Policy 15 High Quality Design for Lewisham in Lewisham’s Core Strategy (June 2011) and saved policies URB 3 Urban Design.

2. The proposed community centre would fail to achieve a BREEAM standard of ‘Excellent’ which is contrary to Core Strategy Policy 8 Sustainable design and construction and energy efficiency in Lewisham’s Core Strategy (June 2011).

INFORMATIVES

(1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, no pre-application advice was sought before the application was submitted. Further discussions have taken place regarding the application, and some revisions were discussed. The applicant was advised that the scheme was considered unacceptable in its original form and Officers had offered to meet with residents to explain the concerns.
The application has not been formally amended and the applicants requested that the application be determined in its originally submitted form.