

SECTION '2' – Applications meriting special consideration

Application No : 11/01537/FULL1

Ward:
Crystal Palace

Address : 25 Church Road Anerley London SE19
2TE

OS Grid Ref: E: 533664 N: 170639

Applicant : KICC

Objections : YES

Description of Development:

Soft and hard landscaping including benches and bicycle stands

Key designations:

Conservation Area: Crystal Palace Park
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London Distributor Roads

Joint report with application refs. 11/01537, 11/01541 and 11/01663

Proposal

Application ref. 11/01537

The proposal site is a small open area between the northern flank elevation of the cinema building and the public footway behind a bus shelter and telephone kiosk. It is proposed to create a formal landscaped area featuring block paving, grass, shrubs and bedding plants to accommodate benches, litter bins and a bicycle parking stand.

Application ref. 11/01541

It is proposed to remove the existing canopy over the front doors of the building and install glazed windows and double doors measuring approx. 7.4m wide and 3.8m high in total. A new canopy will be installed approx. 1.3m higher than the existing canopy, with signage above. Two additional windows are proposed at first floor level.

Application ref. 11/01663

It is proposed to erect a timber framed, non-illuminated 6.58m x 2.92m advertisement billboard on the blank part of the northern elevation of the building fronting Church Road.

Location

The application property is a 1927 built art-deco cinema building converted to a bingo hall in 1968, later run by Gala Bingo until June 2009 when the use ceased. The building is a steel framed structure with a corrugated profiled steel roof and comprises a ground floor with mezzanine staff area and upper circle level.

The application site is located on the eastern side of Church Road within the Crystal Palace Park Conservation Area. Church Road is mixed in character, at its northern end near the junction with Anerley Hill / Westow Hill / Crystal Palace Parade it takes on a mainly commercial character, with residential flats above shops. Along part of Church Road many of the commercial units are interspersed with residential buildings including larger residential blocks and some semi-detached housing. The site is bounded to the north by a building which has ground floor commercial use and residential above, and to the south by a vacant building formerly used as a car showroom which was originally also a cinema. Immediately to the east there is a narrow lane which provides access to the site and other properties in the road, also to the rear gardens of properties in Patterson Road. To the west on the opposite side of Church Road there are commercial properties within the London Borough of Croydon.

Comments from Local Residents

Nearby residents were notified of the applications and a large number of representations have been received, many featuring duplicated text. A significant proportion of the representations comprised joint objections to all three applications and included general comments which can be summarised as follows:

- errors and misleading statements in application documents / conservation area status conflicts with applicant's assertion that area has a 'sharp urban edge'
- applicant has failed to engage with local community / local opinion is being ignored / applicant is attempting to ride roughshod over local community and local planning authority which is politically and morally unacceptable
- conflicting statements on proposed use of the building / proposed use has not been made clear / impossible to consider how proposals relate to proposed use and are necessary / premature to determine application without clarification of proposed use / no information on hours of operation, numbers of people using building, number of Class D2 events and what those events will be
- proposed use does not have planning permission / internal works carried out and indicated on plans provide a similar layout to previously refused church proposal - these facilities are not consistent with D2 use / applicant's statements on proposed use are not consistent with a D2 use / D2 use of the building is likely to incorporate D1 uses / applicant publically stated that it was considering D2 use of building, including concerts

- capacity of building has increased / building can accommodate up to 3,000 people / building will have significant trip generating potential
- sole purpose of purchase of building was relocation of place of worship
- 3 applications should be considered together given cumulative impact of proposals
- granting permission will effectively validate works carried out to date and indicate acceptance of loss of community use of building / KICC are being allowed to develop building for inappropriate use unhindered
- applicant previously emphasised potential for intensive use of building within existing permitted use and resulting highways and pedestrian impacts
- applicant has history of attracting very large crowds to events in South London, including annual event at Fairfield Halls in Croydon / applicant significantly intensified use of former cinema in Hoe Street, Walthamstow between 2005 and 2009 / harm to area from intensification of use
- previous planning application indicated that visitors would travel from Kent and Surrey
- location of ticket booth immediately adjacent to entrance doors could hamper free movement of crowds into building / internal foyer is of insufficient size to accommodate influx of people arriving for events
- significant size and presence of building / building is landmark / only art-deco cinema building in the area / unique and unusual to conservation area
- building makes significant contribution to conservation area / harm to character and appearance of conservation area and adjacent conservation areas / harm to architectural integrity and art-deco character of building / building retains key features of original design / contribution of building to area could be significantly enhanced whilst retaining key features / insensitive proposal for painting of building
- previous introduction of uPVC windows, billboards and external canopy fail to reflect grandeur of building
- applicant fails to recognise importance of the building / applicant should have presented expert architectural advice within application
- building has been allowed to fall into further disrepair since applicant purchased it
- building is a heritage asset as defined in Planning Policy Statement 5 (PPS5) / presumption in favour of conservation of heritage assets / local planning authority should not validate application where impact of proposal on heritage assets is not clear from application documents
- remaining art-deco cinema buildings should be protected and conserved / applicant has sensitively restored former cinema building in Walthamstow
- non-religious people will feel excluded from important local landmark / church will add nothing to local community / building should benefit local community / community will be deprived of a valuable resource / local community are united in opposition to KICC proposals / over 3,000 objectors to previous application / in climate of civil unrest it is important to build a sense of community amongst existing residents rather than allow people from outside to take control of an area
- already enough churches in the area
- area needs an entertainment venue / building has long history as entertainment venue / building should provide a cinema / cinema operator is

ready and willing to move into building / cinema would provide economic and community benefits / widespread local support for cinema

- town centre is becoming run-down / building is key to social, economic and cultural regeneration of Triangle, particularly Church Road / harm to vitality and vibrancy of town centre
- detrimental impact on highway and pedestrian safety from crowds / increased traffic congestion / increased demand for on-street parking in the surrounding area / significant impact of KICC church services in Walthamstow town centre
- applicant is proposing to relocate its administrative function to the building – office building would be more suitable / numerous derelict churches that applicant could use
- proposals conflict with relevant local, strategic and national policy.

The application specific comments received from nearby residents can be summarised as follows:

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- unclear why people would want to sit in this area next to busy road rather than nearby green spaces
- increased potential for crime and anti-social behaviour, in particular by providing hiding spaces from where pedestrians / bus stop users can be targeted
- KICC events could result in large crowds using landscaped space and spilling onto pavement where people wait for buses pushing pedestrians out onto busy road
- increased noise and disturbance from use of landscaped space
- lack of detail regarding maintenance of landscape features
- area will become litter strewn and unsightly unless properly maintained
- proposal is an attempt to woo local authority support
- churchgoers will arrive in cars rather than cycle up hill
- site is too narrow for bicycle parking
- landscaping is poor quality / generic and unimaginative
- poor design / inadequate number of bicycle stands
- overspill of cycle parking will restrict availability of stands nearby / increased cycle parking in the area will be detrimental to highway and pedestrian safety
- Application ref. 11/01541
- no need for elevational alterations
- justification that lobby needs extra natural light seems strange
- unsuitable materials / uPVC windows inappropriate in conservation area / existing uPVC windows are an unauthorised development
- capacity of building has been increased to over 1,000 and proposed doors would appear inappropriate from a crowd safety and management point of view
- replacement of existing entrance doors and location of ticket booth will create bottlenecks and congestion restricting safe movement of large

crowds in and out of building / existing doors allow separate entrance and exit routes

- harsh industrial appearance / building will resemble car showroom
- loss of historic significance / elegance / architectural integrity / art-deco character / original features / horizontal form / symmetry of building
- despite unfortunate alterations building retains key original design features / building should be restored to original appearance
- canopy should be retained in same position / raising canopy will result in loss of unique geometric raised stucco surround
- rectangular render architrave which frames door opening is a feature since 1928 and its loss is undesirable
- striped painting of building will detract from existing stucco detailing
- glazing on lower floor should reflect original design intentions / doors and fanlight windows above canopy have been a feature of building since 1928
- entertainment use does not require large glazed panels and doors to display internal features
- proposed windows reflect poor and out of character alterations made by previous owners
- signage is out of character with building and conservation area
- Application ref. 11/01663
- insufficient details of materials and colours of billboard and advertisements
- elevation drawings misrepresent roof structure to support applicant's assertions regarding character of building and surrounding area
- billboard will reverse Council's previous success in removing advertisements along Church Road
- visual impact, particularly upon residents living opposite / street clutter
- billboard is large, prominent and unnecessary
- scale and location of hoarding inappropriate for a residential and conservation area
- out of character with host building
- dangerous distraction to motorists
- hoarding will be used for religious advertisements which is not consistent with use of the building
- religious advertisements are often bright and garish
- Crystal Palace Park Conservation Area Supplementary Planning Guidance (CPPSPG) states that advertisements requiring consent will be restricted to properties that depend on advertising to carry out their business – applicant has failed to explain nature of business and use of building
- applicant has not explained why it cannot advertise its business more sensitively in accordance with CPPSPG
- applicant has not indicated whether purpose of hoarding is to obtain revenue from third party advertising and why this is necessary for charity with revenues exceeding £12 million per annum
- 'The Open Door' signage relates to a charity and not the applicant's business at the premises and is therefore contrary to CPPSPG.

Representations received included objections from London Assembly members, local councillors (including from neighbouring authorities) and an MP.

Comments from Consultees

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The Advisory Panel for Conservation Areas (APCA) have no objections to the proposal but advise that a maintenance agreement should be put in place to ensure that the area is kept free of litter.

In terms of cycle parking the type of stand proposed is not recommended as some users may find it difficult to lift their bikes up onto the rack. A derivation of the Sheffield stand would be preferable in terms of security and ease of use.

There are no technical objections in terms of highways. However, the landscaped area will be made available for use by the public and be treated as part of the public highway. It will accumulate litter and will require maintenance and repair and the Council should seek an undertaking from the applicant that they will regularly clean, maintain and repair the area. A sign advising that the area is privately owned but publicly accessible should be erected as it will be perceived by the public as part of the highway and they will contact the Council when problems arise.

Croydon Council have no objections to the proposal.

Comments from the Metropolitan Police Crime Prevention Design Advisor will be reported verbally at the meeting.

Application ref. 11/01541

APCA have commented that the alterations fail to respect the architectural integrity of the building. In particular, the canopy and remaining original windows should be retained and new windows should re-instate the original window design.

Croydon Council have objected on the following ground:

‘The proposal would significantly alter the appearance of the building. The alterations would not be sympathetic to the building or the surrounding area and would be harmful to the setting of the adjacent Upper Norwood Conservation Area and would thereby conflict with Policy UC3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies.’

Members should note that Croydon’s Development Plan policies and policy documents are not relevant to the determination of planning applications within Bromley.

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APCA have commented that the proposals will detract from the architectural integrity of the building thereby harmful to the conservation area.

Croydon Council have objected to the proposal on the following grounds:

'The size and location of the advertisement coupled with the existing three advertising hoardings would be detrimental to the visual amenities of the street scene and would thereby conflict with Policy UD5 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies and Supplementary Planning Guidance No. 8 on Advertisement Hoardings and Other Advertisements.

The development would not preserve or enhance the character of the adjacent Upper Norwood Conservation Area and would therefore conflict with Policy UC3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies.'

Members should note that the three advertisement hoardings are no longer present on the building and that Croydon's Development Plan policies and policy documents are not relevant to the determination of planning applications within Bromley.

Planning Considerations

The main policies of the Bromley Unitary Development Plan considered to be relevant to this application include:

- BE1 Design of New Development
- BE11 Conservation Areas
- BE21 Control of Advertisements, Hoardings and Signs

In strategic terms the most relevant London Plan policy is:

- 7.8 Heritage Assets and Archaeology.

The Supplementary Planning Guidance for the Crystal Palace Park Conservation Area states at paragraphs 6.8-6.9:

'The Council wishes to ensure that businesses in conservation areas are fully able to advertise their goods and services. However, it will also wish to reduce the visual clutter that poorly designed and located advertisements can sometimes cause. Advertisements, which require consent, will be restricted to properties, which depend on advertising to carry out their business.

Advertisements, which, in the Council's opinion, detract from the character of the area, will be resisted or made subject to discontinuance action where necessary. New and replacement signs should be designed in a way that minimises their adverse impact they should not be displayed at first floor level or above, especially on exposed flank walls.'

Policy BE21 of the UDP states that advertisements and hoardings should preserve or enhance the character or appearance of conservation areas and paragraph 6.64 states that advertisement hoardings will normally be resisted in Conservation Areas and residential parts of the borough, even on a temporary basis.

The site was designated part of the Crystal Palace Park Conservation Area in 1989.

There have been a large number of objections to the three applications and many of these are concerned with the potential use of the building and its implications. The building has been refurbished internally and KICC advised at a meeting with a Council Officer in March 2011 that it will accommodate various uses including drama, conferences, music associated with the Christian community, income generating activities of a 'business centre' nature and community uses. The applicant has since confirmed in writing that the use of the building will fall under Use Class D2. There remains concern that the use of the building may not fall under Class D2 and to date neither a Certificate of Lawfulness application nor planning application have not been received regarding the future use. Should the building be brought into an unlawful use then the Local Planning Authority can take the appropriate enforcement action at that stage but it cannot pre-empt a potentially unlawful use. The use of the building is not relevant to the determination of these planning applications and they should be assessed on their planning merits, in particular the impact of the proposals on the character and appearance of the application property and the Crystal Palace Park Conservation Area.

Planning History

Planning permission was refused under application ref. 09/02202 for change of use from bingo hall (Class D2) to church/ community use (Class D1) together with ancillary offices, cafe and bookshop on the following grounds:

'The proposed development, involving the loss of an important entertainment/leisure use within Use Class D2 and the introduction of a mixed use including a place of worship within Use Class D1, would result in a reduction in the range of facilities provided within the town centre detrimental to the proper functioning of the daytime and evening economy and harmful to the social, cultural and economic characteristics of the area, thereby contrary to Policies 3A.18, 3D.1 and 4B.8 of the London Plan.

The nature of the activity associated with a Class D1 use such as a place of worship and the scale of the user means that they are likely to have a wide catchment for its congregation and attract a large number of cars and as a result the development will have a significant adverse impact on the surrounding area in terms of parking demand and pedestrian safety, contrary to Policy T18 of the Unitary Development Plan.'

Planning permission was granted at appeal for 4 non-illuminated advertising hoardings for a period of three years in November 1982. Planning permission was granted at appeal in June 1988 for their retention for a further two years. The hoardings remained in place beyond the temporary period and have only been removed in recent years. The following is an excerpt from the Inspector's 1988 report:

'The panels are large features, but they are seen against the large building and at a relatively low level in line with existing shop fronts. The alignment of Church Road and the angled setting of the panels from the general building line restricts the overall range of visibility. Although the panels are imposing features in the immediate street scene, it is not considered that, when seen against the large building to the rear and in line with the existing commercial frontages, their display is unduly intrusive.'

Conclusions

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The proposed landscaping and furniture will improve the appearance of this part of Church Road and will provide amenity value as a seating area. The cycle parking is considered unsuitable and this issue can be addressed by a condition.

Application ref. 11/01541

The building is an art deco cinema of some architectural interest and makes a positive contribution to the conservation area. The proposed alterations are insensitive, failing to respect the original design of the building and are therefore harmful to its architectural integrity and the character and appearance of the conservation area.

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For many years three large advertisement hoardings occupied the wall upon which the proposed hoarding will be sited. However, the site was designated part of a Conservation Area after the 1988 appeal decision and therefore stricter criteria are applicable in assessing the merits of the application proposal. The proposed hoarding will add to visual clutter and be undesirable, particularly in view of other existing hoardings in the surrounding area, detrimental to the character and appearance of the Conservation Area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1ACA01 Commencement of development within 3 yrs
- ACA01R A01 Reason 3 years
- 2ACA04 Landscaping Scheme - full app no details
- ACA04R Reason A04

3 Prior to the commencement of development details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking shall be permanently retained thereafter.

Reason: In order to secure a more suitable cycle stand as the proposed stand is considered unsatisfactory and to comply with Policy T7 of the Unitary Development Plan.

4 Prior to the commencement of development details of a notice or notices advising that the publicly accessible area is privately owned and maintained shall be submitted to and approved in writing by the Local Planning Authority and the approved notices shall be displayed and permanently retained thereafter.

Reason: In order to inform the public of the status and ownership of the site and to comply with Policy BE1 of the Unitary Development Plan.

5 Prior to the commencement of the use of the development hereby permitted details of a programme of regular cleaning and maintenance of the landscaped area shall be submitted to and approved in writing by the Local Planning Authority and the landscaped area shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of the visual amenities of the area and in order to comply with Policy BE1 of the Unitary Development Plan.

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character and appearance of the development in the Crystal Palace Park Conservation Area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the design policies of the development plan

and having regard to all other matters raised.

Application:11/01537/FULL1

Address: 25 Church Road Anerley London SE19 2TE

Proposal: Soft and hard landscaping including benches and bicycle stands

