

SECTION '2' – Applications meriting special consideration

Application No : 14/04557/FULL2

Ward:
Crystal Palace

Address : 25 Church Road Anerley London SE19
2TE

OS Grid Ref: E: 533664 N: 170639

Applicant : KICC The Open Door

Objections : YES

Description of Development:

Change of use from Bingo Hall Class D2 to mixed Class D1 (church) and Class D2 (Assembly and Leisure) use

Key designations:

Conservation Area: Crystal Palace Park

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Proposal

Full planning permission is sought for the change of the use of the existing Class D2 (Bingo Hall) building to a mixed Class D1 and Class D2 use.

The proposed Class D1/D2 use would apply to the whole 1,656sqm floor area of the building and have opening hours, as suggested on the submitted application form, of between 08:00-23:00 Monday to Sunday including bank holidays. There would be a total of 8-10 employees. The proposed church services are summarised as follows:

- Sunday 9:00-11.30 (expected congregation size - 350-400).
- Tuesday 18:00-21:00 (expected congregation size 150-250)

Applicant's Submission in Support

In support of the application the applicant has commented that:

- Provide a place of worship for local people for which there is a need
- Meet the needs of a group (the BME community) who are recognised to experience disadvantage through the land use planning system
- Maintain a community use of the building both as a place of worship and importantly, for other non-religious assembly and leisure uses (e.g. concerts, films, conferences etc.)

- Support the wider economy of Crystal Palace throughout the daytime and into the evening period by hosting activities and events (both religious and non-religious) which would attract footfall to the locality
- Allow a continued assembly and leisure use of the building consistent with adopted and emerging policy
- Not have any detrimental impact on parking demand or pedestrian safety in the vicinity of the site
- The application site is located within an established commercial area close to the centre of Crystal Palace
- The location of the site benefits from excellent public transport accessibility and has a PTAL rating of 6a
- The site is well located to encourage sustainable travel patterns and is an appropriate location for the proposed use
- The applicants have sought to proactively engage with the local community and key political stakeholders to hear, understand and react to their previous concerns and objections to the earlier application
- Responses to public consultation found that 50.82% of respondents agreed that there was a requirement for a multi-use community venue in Crystal Palace; 41.67% of respondents supported the regeneration work undertaken at 25 Church Road
- A cinema use has not occurred for in excess of 45 years from this location. It is in this context that any objection on the basis of a loss of a leisure/entertainment use should be set
- The submitted Transport Assessment demonstrates the development site is well located to encourage sustainable travel patterns and will not result in a significant adverse impact on the surrounding area
- The application building was designed and built to accommodate large capacity events on a regular basis and maintains the capacity to accommodate events of up to approximately 1,100 people
- Events which fall within the lawful use of the building (i.e. D2) and which attract significant numbers of people can currently operate from the building without the need for planning consent
- The proposals deliver economic development and in doing so help, albeit it in a complementary way, to achieve a strong and responsive economy
- The proposals perform a social role through ensuring the local community has access to a range of cultural, religious and leisure activities within a fit-for-purpose multi-use building
- They perform an environmental role ensuring an important attractive building is protected and enhanced for the benefit and enjoyment of future generations

Location

The application site is located to the western edge of Church Road Anerley and comprises a two storey building that forms part of the wider terraced parade south of the junction with Milestone Road. This part of Church Road is made up of a variety of commercial uses at ground floor level and has a wide variety of building styles and scales, the character is generally of three storey period properties. The

site is within the Crystal Place Park Conservation Area at the southern end, forming the penultimate property within the conservation area.

The application building itself is a large two to three storey Art Deco building that was designed and previously in use as a cinema and more recently until 2009 a bingo hall and as such has an internal configuration of a foyer leading to a large tiered auditorium. The street level of the property is higher than the rear due to the sloping topography downward from west to east.

Church Road is a one way highway heading south with a bus stop set approximately to the front of the site. To the rear access is provided by an access road from Milestone Road which is shared with the residential properties of Patterson Road to the east of the site. The site presents an area to the northern flank elevation for servicing and/or parking onto the access road which is reached by way of a fire escape at the rear of the building. The basement level comprises a number of different rooms, those to the rear of the building are accessed externally at the ground level to the rear of the site.

The application site is listed as an Asset of Community Value. Once an asset is listed the owner must let the authority know if they want to dispose of it. Community groups will then be given 6 weeks to decide if they want to make a bid. If they do, then there will be a 6 month moratorium period during which the owner cannot sell the asset. It is important to note that the owner does not have to sell the asset to the community group. Members will note that the application proposal comprises a mixed Class D1/D2 use and that the aforementioned procedure would not be negated should Members be minded to grant permission.

Comments from Local Residents

Nearby residents were notified of the application and at the time of writing a total of 1091 representations have been received of which 890 are in objection and 200 are in support, which can be summarised as follows:

In objection:

- There are numerous places of worship already in the vicinity which cater for all
- The 6 activities led by KICC between August 2012 - July 2014 made little attempt to involve or publicise these events to local residents
- Duplication of facilities will lead to the building being left empty and underused for the majority of the week
- The current lawful D2 use of the building would be far more appropriate and provide a community facility which would support Crystal Palace's economy, vibrancy and viability throughout the day and the evening
- Church Road cannot cope with the extra traffic
- Meetings so far have not been attended by local people and offers nothing to the vicinity
- Local residents want a cinema on the site
- The parking cannot support the application
- Doubts as to how inclusive the applicant's will be within the community

- The site is more suited to an entertainment venue not a church
- The building should be used as a cinema
- Consultation from the applicant with the community has been window dressing
- The building ought to remain a community asset accessible to all, not just those who subscribe to KICC's way of thinking
- KICC have failed to participate in any community events, notably the Westow Park Festival or Crystal Palace fireworks
- The majority of the congregation will not be Bromley residents and will travel from across London
- The change of use from D1 (Church) to D1 (mixed) is obviously a ruse to get a church in through the back door
- There are numerous other places of worship in the area and it is not appropriate for this building to become another one
- Changing the use of this site to a church benefits no one in the Crystal Palace area
- Repeatedly failed to do anything of any benefit to the local community with the building
- No intention of making the building a place for assembly and leisure for the local community
- The current proposal will signify the loss an important cultural meeting point for Crystal Palace which will affect every resident
- Placing a church in the middle of a vibrant "cool" area sends the wrong message to local businesses who have chosen this rundown area to start businesses that are now benefiting the area
- I have tried to enquire about hiring it on behalf of The Crystal Palace Brass Band and failed to receive a reply
- Earlier objections to the change of use application for 25 Church Road are still valid and have not been resolved
- This location is too important to the triangle to be thrown away we need a large, exclusively D2 venue here
- I live very close to this venue and I see no indicator that this organisation have any real desire to link in with the community
- Given that the current licence for the property already allows for public gathering/entertainment, why is their door not already open?
- Continued use by the KICC would benefit only a tiny minority, their record of allowing use by other community groups is non-existent
- It would benefit the Crystal Palace community as a whole to restore the building to its use as a cinema

A petition in objection by the Picture Palace Campaign has been received with a stated 6,427 signatures

A single delivery of 767 individual objections has been received in the form of postcards citing a range of optional reasons to object.

A petition in objection by the Church Road Traders has been received.

The Crystal Palace Triangle Campaign Group (CPTCG) have submitted objections to the proposal including a number of technical documents relating to the Transport Assessment, these comments include:

- The parking impact of the proposals arising from the Applicant's likely use of 25 Church Road
- The highway impact caused by the Applicant's likely use of 25 Church Road
- The challenges posed by the physical characteristics of the site - including limited front and rear access for parking and the problems posed by passenger drop off from KICC's mini-busses and deliveries to service the building and proposed use
- Incorrect baseline assumptions of D1 use
- Gross underestimate of the likely frequency of large D1 events
- Failure to disclose or apply available data for trip attraction and modal split specific to the applicant
- The true extent of the 25 Church Road's catchment area for KICC's congregants
- The consequential likelihood that attendance on a Sunday will exceed the estimated figures of 400-600 and involve much greater trip attraction by car
- The failure to apply or disclose known modal split data from KICC's operations elsewhere
- The use of inappropriate or inapplicable comparative data from venues operated by other churches to estimate modal split
- Unrealistically high assessment of the uptake of public transport and failure to consider the geographical dispersal of KICC congregants
- There is an overwhelming demand for a cinema in Crystal Palace
- Had the Asset of Community Value regulations been in place when the site was sold in 2009, a community group would have had the opportunity to prepare a bid for the site with the intention to reuse the building in line with its ACV status and existing lawful use
- Planning policy clearly indicates that the loss of community facilities will not be allowed unless it can be demonstrated that there is no longer a need for them, and the applicant has not provided any evidence whatsoever to demonstrate that there is no longer a need for the existing Class D2 facility at Church Road
- There is no evidence whatsoever that this will "ensure" any significant retained element of D2 use
- It is our view that several of the potential uses to which the applicant's statement refers fall within Class D1 e.g. conferences, musical conferences, graduation ceremonies, presentation evenings, business seminars, political conventions and christenings
- No guarantee any uptake of D2 uses in practice and the suggestion that such uses will continue on site appears to be wholly aspirational
- The appeal of the building to any other potential Class D2 users will be limited, particularly given that the potential times / hours of availability will also be restricted
- Any future element of Class D2 use at the site will be negligible

- If the applicant's desire was to allow for continued leisure and assembly use of the building when not in use as a place of worship, they would have proposed this as part of their original planning application in 2009
- A place of worship is not a town centre use
- A large proportion of attendees will be travelling significant distances and from outside of Crystal Palace's immediate catchment
- Outside of core Church hours, 25 Church Road would largely be empty or underused
- The Council should be actively encouraging and planning for the provision of a cinema in the town centre
- The application proposals would result in a use of the building that would not reflect its history and would not contribute to the vibrancy and character of the respective Conservation Areas
- The applicant's Statement of Community Involvement (SCI) is flawed and the questions incorporated within their consultation form are weighted and do not adequately consider public opinion
- KICC are a religious charity whose primary aim is to evangelise and advance the Christian religion. It is their stated aim to increase their membership and to grow. It is their charitable duty to do so and the activities which they undertake to deliver their charitable object all fall within Class D1 use
- Class D1 Conferences and business seminars are central to those activities as noted on KICC's UK website
- The best hope for 25 Church Road to be regularly used for entertainment is to retain the dedicated D2 Assembly and leisure use
- KICC does not have a local congregation and there is no local need for another church
- There are no other D2 entertainment operators in Crystal Palace
- No explanation is given to explain why the demand for KICC in South London, Kent and Surrey and Essex cannot be met from the Applicant's churches in Hoe Street in Walthamstow and Prayer City in Chatham, Kent
- Crystal Palace has a very diverse community which is already very well catered for through existing churches and community centres
- KICC are not a group set up with the aim of representing the interests of the BME community in general; they are dedicated to furthering and sharing their religious beliefs which are not directly related to ethnicity
- Our District Centre risks becoming more a centre of worship than a vibrant and important District Centre
- All KICC's events are aimed at keeping the congregation in the building where free food is provided
- Members that arrive by mini-bus, will leave by mini-bus
- When members travel long distances by car, they are most likely to want to go straight home after an event
- KICC has first and foremost refurbished the premises for their D1 needs not with D2 in mind
- If planning permission was to be granted it is impossible to see what Bromley council could do to enforce the mix of uses

Rt. Hon. Steve Reed MP (Croydon North) has expressed concerns that the roads around Crystal Palace and Upper Norwood are already very narrow and often backlogged, further cars being added to this would lead to disruption. The site is also the last dedicated Class D2 venue left and has an important role in furthering social, recreational and cultural interests of the local community.

London Assembly Member Valerie Shawcross (Lambeth and Southwark) has objected to the proposal on the basis of the potential sustained impacts on traffic and road safety in the vicinity of the venue should large events be regularly held there. The events seems to be aimed at attracting large numbers of attendees from other parts of London rather than the local community which gives rise to concerns regarding traffic congestion and possible parking issues in residential roads around the venue.

London Assembly Member Steve O'Connell (Croydon and Sutton) has objected on the grounds that the proposal would:

- Cause the loss of the only remaining dedicated and valuable community facility in Crystal Palace within the D2 use class. KICC have provided little evidence to demonstrate any serious commitment to the D2 components of the proposals or any serious local interest and need which could not be met and better served through existing community venues. In view of the proposal not being for the good of the entire local community, there is little or no support in the local community for the project.
- The development would have a negative impact on transport and parking in the local area. Church Road is already very congested and the problem will be exacerbated by a congregation of up to 450 people amassing at the venue twice weekly. In view of there only being two car parking spaces on site, the rest of the congregation will have to park in streets adjacent to Crystal Palace, resulting in parking chaos. However if the site remained a D2 venue, events would be staggered throughout the week and a "bottle neck" situation would not arise on any one day, thus avoiding extreme local congestion.
- There is mention of public transport being required to bring people from outside the local area which gives the impression there are not numbers locally to support a church; furthermore local bus services are already over-subscribed.
- There is no need for further places of worship in the local area. There is already a place of worship diagonally opposite the site.

In Support the following representations have been received, however it is noted that of the 200 received a large number do not include a supporting comment:

- The applicant wants to enrich the fabric of society for people in the area to empower and help the needy and hurting
- A communal location that attends to the youth can give the youth in the area something to spend their energy on
- The appearance of the street is improved with more life and activity brought to the area

- A positive impact on the well-being of the community through volunteered church events and community work
- Good transport links and will cut down on expenses travelling to central London to hire meeting halls for events
- The building has hardly been used since Gala Bingo vacated it in 2009. A mixed use
- Approval gives even greater scope for events and activities to take place in the building. This will generate much needed foot-fall in the Church Road area thus providing income opportunities for the benefit of all the local traders
- KICC Church not only has a positive spiritual impact on lives but it extends to social, physical, emotional and economic well-being of individuals, family and socially
- Will aid regeneration and drive other investment into the community
- This church will add benefit to the spiritual needs of the community
- It will bring a much needed injection of life into the community whilst also allowing the property owners to use it as they wish
- These activities will make our neighbourhood more active, bubbling and enjoyable
- Bromley council should take into consideration the Church's track record and previous involvements in other communities, recognizing this would be an opportunity to promote the multiculturalism of Britain
- A cinema will attract only those that go to cinemas. Having a multi-purpose leisure centre will attract a wider range of people

Comments from Consultees

Adjoining Planning Authorities were consulted and have responded as follows:

Lambeth:

Objection. Lambeth Council continue to raise objection on land use grounds as they consider that there could be a potentially harmful impact from the loss of the lawful Class D2 use on leisure opportunities within the Westow Hill/Crystal Palace District Town Centre (as designated within the London Borough of Lambeth Unitary Development Plan (2011)). Such facilities make a valuable contribution to town centres and the local communities that they serve and should be retained.

The proposed development would generate unacceptable noise and disturbance as a result of worshippers accessing and leaving the site, this would be exacerbated to harmful levels by virtue of the intermittent en-masse gatherings associated with the proposed timetable of worship on both Sundays and Tuesdays. This effect would most certainly be felt over the course of any Sunday when the proposal would be operating at its peak intensity.

Notwithstanding the work that the applicant has undertaken in the intervening period between the refusal of the planning application and the submission of the current application, Lambeth Council still consider that the transport assessment submitted is deficient. Although the document is more robust and detailed than the

earlier submission it still fails to include the future growth calculations which were requested previously. On this basis it is considered that the applicant has not adequately demonstrated that the proposed change of use would not have a harmful impact on parking stress and highway safety within the area.

Croydon:

Objection on the grounds that the proposal would have a detrimental impact upon the vitality and viability of the Upper Norwood Triangle and that the Transport Assessment does not satisfy the requirements of Policy 6.3 of the London Plan with insufficient information to be able to assess that the proposal will not have a negative impact on the surrounding highway network contrary to Policy 6.13 of the London Plan.

Lewisham: no response received at time of reporting

Southwark: no response received at time of reporting

Highways

Objections are raised due to the potential impact of this proposal being underestimated giving rise to concerns that it could have adverse impacts in respect of highway safety and the free flow of traffic and should be refused as being contrary to Policies T3, T6 and T18.

TfL have commented that when in use, the car park blocks two fire exits and a fire assembly point. It is therefore not acceptable to consider this a suitable, formalised car park. Further to this, photos have been provided detailing dropping off taking place on Church Road disabled bays and then parked also elsewhere, this shows that suitable parking arrangements have not been arranged for the mini buses, a significant part of the proposal's expected modal split. It is feared that this activity will continue with no proposals for the car park.

The management of dropping off and picking up also raises concerns due to the expected number of visitors and percentage arriving by car. Any traffic created is likely to affect the area given the one way and single lane strategic route as it is in close proximity and is unlikely to be successfully mitigated by unqualified marshals.

While issues identified in its current use appear to be addressed in the proposal's TA and addendum to TA these have not been fully mitigated to a level deemed acceptable by TfL.

TfL would not recommend approval given the transport issues highlighted however it should be explored by the borough and its highways department as to whether these issues can be suitably mitigated through conditions or a review process.

Other Responses

Conservation: no objection.

Thames Water: no objection.

Planning Considerations

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

- BE1 Design of New Development
- BE11 Conservation Areas
- C1 Community Facilities
- C2 Community Facilities and Development
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety
- L9 Indoor Recreation and Leisure
- S5 Local Neighbourhood Centres, Parades and Individual Shops

Supplementary Planning Guidance: Crystal Palace Park Conservation Area

The application falls to be determined in accordance with the following policies of the London Plan:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.9 Mixed and Balanced Communities
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.6 Support For and Enhancement of Arts, Culture, Sport and Entertainment Provision
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Mayor's Supplementary Planning Guidance: Planning for Equality and Diversity

Mayor's Supplementary Planning Guidance: Accessible London: achieving an Inclusive Environment

The National Planning Policy Framework is also a material consideration , with which the above policies are considered to be in accordance.

Planning History

09/02202 Planning permission was refused on 21st December 2009 for a change of use from bingo hall (Class D2) to church/ community use (Class D1) together with ancillary offices, cafe and bookshop. The application was refused on the following grounds:

1. "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."
2. "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."

11/01537 Planning permission was refused on 16th November 2011 for soft and hard landscaping including benches and bicycle stands. The application as refused on the following grounds:

"The proposed landscaping would be unsympathetic to the setting of the significant Art Deco cinema building, contrary to Policies BE1 and BE6 of the Unitary Development Plan."

11/01541 Planning permission was refused on 16th November 2011 for a canopy and alterations to front elevation. The application was refused on the following grounds:

"The host building is an attractive example of an art-deco cinema building with significant architectural merit which makes a positive contribution to the Crystal Palace Park Conservation Area and the proposed alterations would fail to respect the architectural integrity of the building, and be detrimental to the character and appearance of the Conservation Area contrary to Policies BE1 and BE11 of the Unitary Development Plan."

11/01663 Advertisement consent was refused on 16th November 2011for a non-illuminated wall mounted advertisement display board. Consent was refused on the following grounds:

"The proposed advertisement hoarding will be detrimental to the visual amenities, character and appearance of the Crystal Palace Park Conservation Area thereby contrary to Policies BE1, BE11 and BE21 of the Unitary Development Plan."

An appeal (PINS ref. APP/G5180/C/12/2175550) against the issuing of an enforcement notice for the unauthorised advertising poster holders was allowed on 1st October 2012.

Members will be aware that an enforcement investigation regarding the unauthorised change of use of the building is currently ongoing, ref. EN/13/00640/CHANGE.

Conclusions

Highways

An addendum to the Transport Assessment together with a revised Travel Plan and Event Management Strategy were received 4th February 2015.

Policies T1, T2, T3, T6 and T18 relate to the Council's requirements in terms of parking, transport assessments, highway safety in addition to London Plan Policies under section 6 including Policies 6.8 (Coaches), 6.9 (Cycling), 6.10 (Walking) 6.13 (Parking).

Developments that are likely to be high generators of travel are expected to submit a Transport Assessment, with adequate levels of parking provision suitable to the required use and taking into account the different modes of transport available near to the site to reduce car usage.

The proposal could attract an appreciable level of vehicular traffic. The assessment of vehicular traffic has been made by assuming the level of attendance as advised by the owners of the site, KICC, and averaging around Sunday 400 and on Tuesdays 250. However, it is noted that the capacity of the venue greatly exceeds this and the lower tier of the auditorium does not feature fixed seating, giving rise to the possibility of a greater attendance in addition to the other facilities and rooms within the building.

Given that the majority of the intended congregation at Church Road will be transferred from an existing venue some 8 miles away across South London, it is likely and reasonable to assume that a large proportion of attendees will be travelling significant distances from other areas and from outside of Crystal Palace's immediate catchment.

The applicant has held two conference events at 25 Church Road since acquiring the building, one of which generated almost 1500 attendee which is well in excess of the figures which have been used for the purpose of the Transport Assessment. These events have resulted in congestion to the local highway network as reported by the local residents and Highways officers. Highways officers have cast doubt on

the robustness of the assessment and the capacity of the venue must be taken as an expected figure of attendance.

The applicant states that four mini buses can be accommodated at the rear car park accessed from Milestone Road via a unmade narrow driveway, and passengers would be dropped off and picked from the rear. Concerns are raised as to the possibility of this proposal in conjunction with passengers alighting from the vehicles in this location. Furthermore, the applicant has not addressed the frequency of other service vehicles using the rear driveway. Both rear and front access for deliveries are extremely limited and narrow rear access way, over which the residents of Milestone Road /Patterson Road have the right to pass and repass would be hindered by minibuses.

The car parking survey is fundamentally flawed in a number of material areas. Concern is raised that there is insufficient parking capacity in the area and the proposed change of use will give rise to traffic congestion on the local highway network.

No assessment has been made of the impact of the proposal at times when events are held in Crystal Palace Park. These events can attract very large crowds and require special event management strategies, which is likely to include controlling on-street parking around the park. This impact would extend to the capacity of public transport to accommodate the cumulative demand.

The need for worshipers to walk to the site as their final mode of travel means that the adequacy of the local footways to accommodate the number of attendees is relevant. Although the submission touches on this by referring to approximate path widths in the surrounding streets, no real assessment of their adequacy for the likely volumes of pedestrians has been made. The widths of the paths vary, but are less than 2m in places. This makes them less than ideal for high volumes of pedestrians such as could occur if continuous services were to be held on the site and/or maximum capacity attendance is achieved.

Therefore, the potential impact of this proposal has been underestimated giving rise to concerns that it could have adverse impacts in respect of highway safety and the free flow of traffic and should be refused as being contrary to Policies T3, T6 and T18.

Noise and Disturbance

The size of church congregations cannot be easily controlled and it is anticipated that if a condition were attached limiting the size of a congregation it may prove difficult to enforce. Concerns regarding noise from activity within the building could be addressed through a soundproofing condition if the Council were minded to grant planning permission.

Heritage and Conservation

The external appearance of the building would not be altered and it is noted that a large degree of refurbishment of the interior has taken place by the applicant. The

building would not, therefore, be affected by the proposal in terms of its contribution to the conservation area and would preserve its character and appearance.

Proposed Mixed Use

A number of objectors have proposed a cinema for the site. Whilst use of the building as a cinema would fall within the existing lawful planning use it cannot be assumed that refusal of this particular planning application will result in a cinema on the site. The applicant has purchased the site and the application proposal must be assessed on its individual merits, with regard to all material planning considerations.

Policy 7.1 of the London plan requires development to maximize the opportunity for community diversity, inclusion and cohesion as well as people's sense of place. People should be able to live and work in a safe, healthy, supportive and inclusive neighbourhood with which they are proud to identify while having easy access to services and facilities that are relevant to them. Enabling people to have easy reach of cultural facilities and places to meet and relax will help to build, successful and cohesive societies.

Under Policy 3.16 of the London Plan, proposals that would result in the loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic provision should be resisted. London Plan Policy 4.6 seeks to address deficiencies in facilities and to provide a cultural focus to foster more sustainable local communities.

Policy 2.15 of the London Plan seeks to sustain and enhance the vitality and viability of town centres by supporting and enhancing the competitiveness, quality, and diversity of town centre uses such as leisure, arts and cultural services. A wide range of uses will enhance the vitality and viability of centres.

By way of clarification the following are considered examples (but not an exhaustive list) of the possible uses of the respective Use Classes that form the basis of this application:

Class D1 (Non-residential institutions) includes clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law courts, conferences, exhibition halls, non-residential education and training centres.

Class D2 (Assembly and leisure) includes cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used) and convention centres.

Policy C1 states that a proposal for development or change of use that meets an identified health, education, social, faith or other needs of particular communities or areas of the Borough will normally be permitted provided that it is accessible by modes of transport other than the car and accessible to the members of the

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

The accompanying Planning Statement (Section 5) is clear that the first use of the building will be as a place of worship falling within Class D1 with the addition of Class D2 uses 'at those times when it is not in use for church activities' to ensure maximum community access to the building; the times the use would not be in Class D1 church activities is not defined. It is proposed to allow community use for around 70% of the time while the church services will operate at the stated times on Tuesday evenings and Sunday morning, however this does not form the full extent of the Class D1 church related activity.

A number of uses are listed as evidence of examples of programmes the church will operate. A number of these consist of Class D1 uses such as training and educational activities, conferences, exhibitions and none of the listed activities and uses are specified by frequency. Although it is stated that all activities will be available to both the congregation and the community, the operator, or the intended, or desired end user of a use does not alter the lawful use class that such an activity falls within. Although the church services themselves are within Class D1 and are stated as being at selected times, the remainder of the proposed Class D1 activity is open-ended with the Class D2 activities being aspirational.

The planning statement refers to making the building available for wider community use to ensure an element of Class D2 uses at the site in addition to the primary use as a place of worship. However, there is no specified opening or operating times for any specific Class D2 uses and no suggestion that certain parts of the building would be retained for D2 uses. As such whilst the application presents the opportunity for mixed Class D1/D2 use of the site it has to be acknowledged that it will be possible for the entire building to be used for any activity within either of those use classes for any period of time; and in light of the information provided as part of the application it would appear that the majority of activities would fall within D1 Use Class.

Whilst it may be appropriate to attach a condition limiting the church services as proposed, it is considered that a condition limiting any activity, or operation that could be conducted within Class D1 would not only be imprecise, but that it would not be reasonable, or enforceable to do so given the intended use of the building as set out in the applicants submission. The planning application is for a mixed use of the entire building all of the time with only a specific activity within Class D1 being suggested for limitation. The ramification of this approach is that the building could result in a wholly Class D1 use irrespective of any limitation of a church service at selected times on selected days and this would therefore result in the loss of a Class D2 use of the site.

The applicant has stated that should permission be granted it is their intention to make the premises available to outside organisations, or groups, however this in itself does not result in a use as defined within Class D2. Comment is provided that advertising would take place to publicise the availability of the site for use by local

groups, this is for unspecified uses and given the application for a mixed Class D1/D2 use such groups, or organisations could operate any use within those classes. It is also noted that at paragraph 3.9 of the planning statement a total of six events are listed that have taken place since 2012 and that the applicant considers fall within Class D2. Given the lawful use of the site this is considered to represent a highly limited utilisation of the building and contradicts the wide range of proposed Class D2 activities that would be actively offered should permission be granted. The delivery of a genuine benefit to the immediate local community by making the building available to outside groups (para 3.17) has not taken place despite this forming an integral part of the applicant's submission.

The first refusal ground of the 2009 application relates to the loss of a use within Class D2 resulting 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. As such the current application, by offering a mixed Class D1/D2 use which on the basis of the information provided within the applicants submission could result in an operation that would fall wholly within Class D1, is not considered to have overcome this ground of refusal. The site is the only Class D2 facility in the centre and its loss would result in an unacceptable harm to the vitality and viability of the centre by diminishing the wide and diverse range of uses that contribute positively to the daytime and evening economy, leading to a loss of a limited social infrastructure without realistic re-provision harmful to the sense of place and cohesion of the wider community.

It is therefore considered that the proposal would result in be contrary to Policies 2.15, 3.16, 4.6 and 7.1 of the London Plan.

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.

The matters of the application are such that the applicant is a religious organisation, there is therefore potential for an impact on equality. However, the recommendation made relates wholly to the impact of the proposal on the potential

harm to the town centre and highways implications when assessed against development plan policies and all other material planning considerations as set out in this report. The benefits that would arise from the proposal have been carefully considered and weighed against the substantial harm that would be caused. Matters of religion have not had any bearing on the recommendation made.

Background papers referred to during production of this report comprise all correspondence on the files refs. 09/02202 and 14/04557 and all others set out in the Planning History section above, excluding exempt information.

as amended by documents received on 04.02.2015

RECOMMENDATION: APPLICATION BE REFUSED

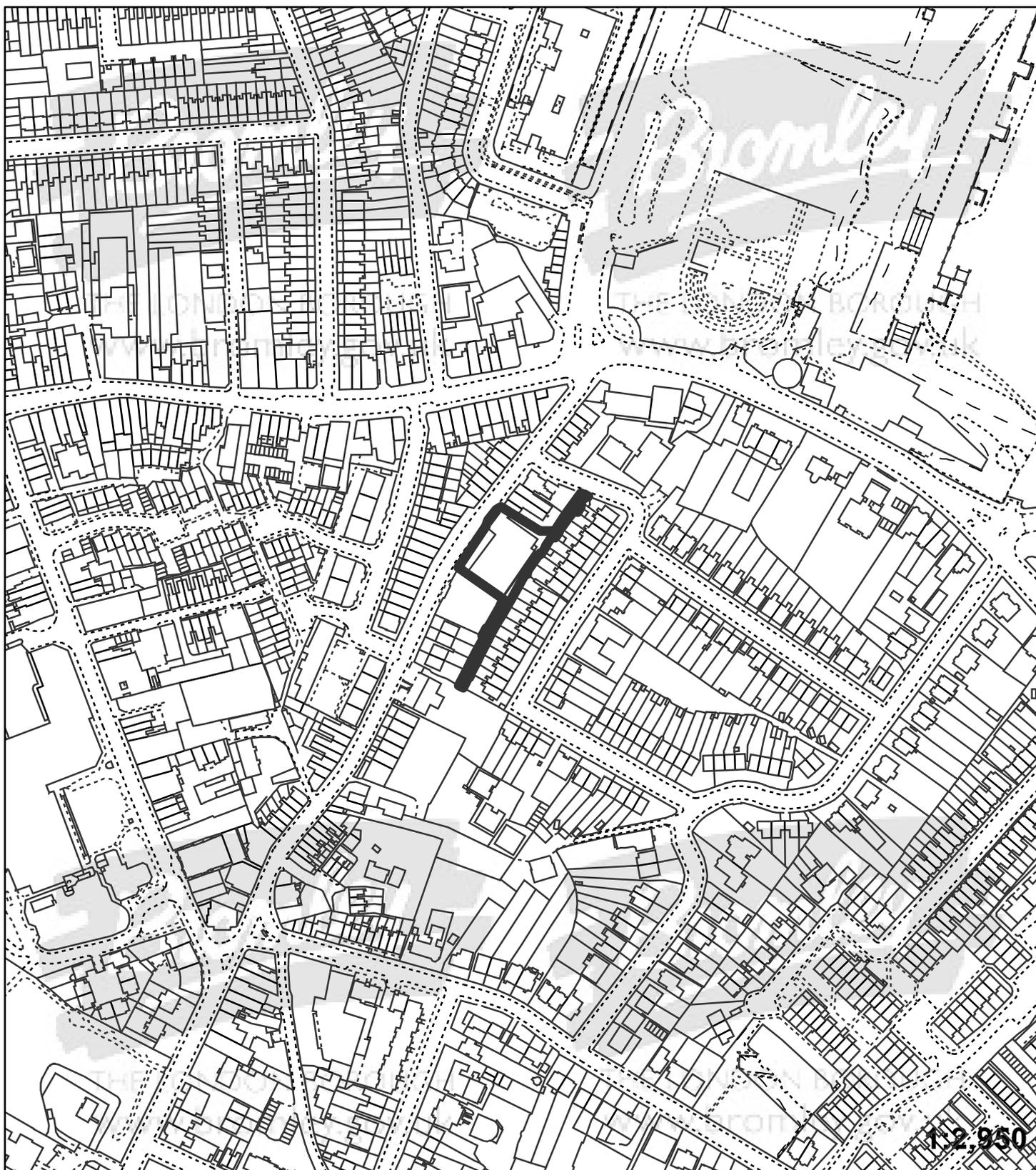
The reasons for refusal are:

- 1 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 3.16, 2.15 and 7.1 of the London Plan.
- 2 The nature of the activity associated with a Class D1 use such as a place of worship is likely to have a wide catchment for attendees and attract a large number of cars and other vehicles. As a result of this and the unsatisfactory parking and drop-off arrangements proposed, the development will have a significant adverse impact on the surrounding area in terms of parking demand and highway and pedestrian safety, contrary to Policies T3, T6 and T18 of the Unitary Development Plan.

Application: 14/04557/FULL2

Address: 25 Church Road Anerley London SE19 2TE

Proposal: Change of use from Bingo Hall Class D2 to mixed Class D1 (church) and Class D2 (Assembly and Leisure) use



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

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