

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/02531/FULL1

Ward:
Penge And Cator

Address : 40A Jasmine Grove, Penge, London
SE20 8JW

OS Grid Ref: E: 534901 N: 169827

Applicant : Mr Tim Kuti

Objections : YES

Description of Development:

Elevational alterations and change of use of middle building from workshop/storage building to include Class D1 use to allow use as a place of worship.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 32

Proposal

Planning permission is sought for elevational alterations and the conversion of an existing building on the application site from a workshop/storage building to Class D1 to allow the use of the building as a place of worship. Internally, the existing open space would be partitioned to provide a separate foyer, disabled toilet/changing facilities with the most part of the internal space laid out with pews oriented to face the long side elevation.

2 no. windows are proposed to be provided in the flank elevation facing the courtyard. The existing front roller shutters would be retained, and behind the shutters it is proposed to install entrance doors.

The host site is described by the applicant as an industrial/storage yard. There are three buildings on the site:

- A 2 storey front building used as offices ancillary to the use of the site
- A single storey middle building used for storage
- A single storey warehouse building at the rear

The applicants have submitted a design and access statement which refers to the hours of operation of the proposed use:

Office hours - Monday to Friday, 10am - 4.30pm.

Meeting times - Wednesday 7pm - 9pm, Sundays 10am - 1pm, Saturdays 10am - 1pm.

The design and access statement refers to the membership of the church being approx. 30 individuals. The middle building on the site, the subject of this application, was formerly used for vehicle repair and restoration but is currently disused. The application proposes the installation of sound insulation and internal partitioning and minor plumbing/electrical works.

The surrounding area is predominantly residential in character. To the south east are 2 blocks of flats forming Readman Court, with the driveway of that property running adjacent to the boundary with the application site. To the north east are modest terraced dwellings and flats on the other side of Jasmine Grove. The middle building the subject of this application is sited in close proximity to the north western boundary, on the other side of which are the flank elevations of Nos. 1 and 5 Sheldon Close and the access roads leading to those dwellings and to a block of 4 dwellings fronting Jasmine Grove.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Concern that planning permission has already been granted and neighbours object
- Concern regarding the potential for noise disturbance. The previous use of the premises was within routine office hours and did not cause any disturbance. The Methodist Church in Jasmine Grove allows its premises to be used at various times and the music can be heard in the wider area. This premises is right next to residential homes.

Technical Comments

The Highways engineer requested the submission of a parking stress survey formulated using the Lambeth Methodology. This has been submitted and on the basis of this information no objections are raised with regards to the parking provision and highways impacts of the development.

From an Environmental Health (Pollution) perspective, it is noted that the site is likely to be suitable in principle given its size and the proposed hours of use. However, the use has potential for a noise impact on surrounding residents and it is recommended that an acoustic assessment be provided to determine likely noise and recommend mitigations to the building to reduce noise break out from music/singing associated with worship. This could be requested by way of condition as long as the hours of use are also limited by condition to those proposed in the application.

No drainage comments are made.

Planning Considerations

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

BE1 Design of New Development
C1 Community facilities
T3 Parking
T7 Cyclists
T18 Road safety
EMP5 Development outside business areas

The following London Plan policies are of relevance:

3.16 Protection and enhancement of social infrastructure
7.4 Local Character
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

The NPPF is material to the determination of the application.

Planning History

Under reference 88/01040 planning permission was refused for a single storey extension to a detached storage building. Permission was subsequently granted under reference 88/03710 and under 91/00532 for single storey extensions to the storage building.

Planning permission was refused under reference 98/00831 for two single storey portable buildings for use as offices and toilet facilities in conjunction with the change of use of the site from warehouse to motor cycle rider training. Permission was refused on the grounds that the use of the site for motor cycle training would have been seriously detrimental to residential amenities by reason of noise and general disturbance.

Permission was granted under 99/03681 for a detached portable building.

A previous application for the demolition of the existing workshop building and erection of detached chapel building, elevational alterations to warehouse building at rear and frontage office building and change of use of site from Class B1/B8 office/warehouse use to allow use as a place of worship falling within Class D1 was withdrawn by the applicant.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties and the transport/parking implications of the proposed development. The loss of business premises also falls to be considered with reference to Policy EMP5 of the Unitary Development Plan.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Loss of business use

The proposal would result in the loss of business use in part of the application site. The applicant has not provided marketing details confirming the non-viability and unsuitability of the premises for B1/B2 or B8 use. On balance it is not considered that the proposed change of use would have an unacceptable impact on the supply of independent business sites in the borough in view of the fact that a significant proportion of the site would be retained in the existing use, with the proposed conversion not prejudicing the on-going business use of the majority of the site.

It appears that historically the different buildings within the site have been used for business purposes sometimes independent of each other and sometimes by a single operator. The frontage office building would be retained as existing along with the large warehouse building at the rear of the site. It is not considered that the conversion of the smaller middle building to a D1 use of the nature proposed would undermine the site's existing and potential business use. The applicants have expressed the wish that the proposal 'includes' a D1 use rather than superseding the existing B1/B8 use. While in practice the granting of planning permission for the use proposed would, if implemented, have the effect of changing the use rather than including an additional use (in view of the fact that the internal alterations - including seating etc. to facilitate the D1 use would tend to preclude a co-existing/concurrent B1/B8 use) it is recommended that if permission is granted it be subject to a condition to secure the reversion to the existing use should the proposed place of worship no longer operate from the premises.

Impact of the proposal on the visual amenities of the area

It is considered that the elevational alterations to the building would not have a significant impact on visual amenity, being limited in their scope and the extent to which they would be appreciable from outside the site.

Impact of the proposal on residential amenity

The application building lies in close proximity to neighbouring residential dwellings and as such the potential impact on amenity resulting from unacceptable noise and disturbance falls to be carefully considered. In doing so it is appropriate to consider the existing/former potential use of the building (falling within Class B1/B8) in comparison with that proposed, taking into account the opportunity for improving sound insulation of the building associated with this application.

While the proposal would result in comings and goings associated with a congregation of the size referred to in the design and access statement, in view of the existing scope of the B1/B8 use of the site and the limited meeting hours

proposed, it is not considered that the proposal would have a detrimental impact on neighbouring properties in this respect. The information submitted with the application suggests that only 2 car parking spaces would be associated with the proposed use of the building and on this basis it is not considered that the proposal would result in a significant increase in vehicular comings and goings/car doors slamming and engines revving that might cause a disturbance to neighbouring residents.

The previous refusal of planning permission in 1998 for the change of use of the property to a motor cycle training facility is a material consideration in the assessment of the current proposal. However it may be considered that that use would have resulted in greater noise and disturbance than the current proposal, including as it did a more intensive use in terms of hours of operation and especially potential for loud vehicular comings and goings and noise not contained within a building, but within the open part of the site.

The concerns expressed in response to the neighbour notification have been considered. However, no technical environmental health objections are raised to the proposal on the basis of the proposed scale of use and the size of the site, alongside the proposed hours of use.

It is noted that the use may have a potential noise impact on surrounding residents, but that if a full acoustic assessment is undertaken to determine likely noise associated with the uses, along with recommended mitigations and the implementation of these mitigations, the proposal is considered acceptable in principle. Potential noise break out from music/singing associated with worship is of particular relevance, and while the application design and access statement states that there would be no "excessive PA systems" it is considered appropriate to seek greater technical information of the proposed systems and mitigations in the interest of the residential amenities of neighbouring residents.

Impact of the proposal on highways safety, parking provision and the free flow of traffic

From a technical highways perspective the applicant has provided a parking stress survey which is considered to adequately demonstrate that there is on-street car parking capacity in the locality at the relevant times. No objections are raised to the proposal from a technical highways perspective although if permission is granted it would be expedient to apply a condition safeguarding the provision of parking/cycle parking as shown on the submitted plan to ensure that in practice the use parking associated with the use operates as described.

Having had regard to the above it is considered that the proposal as submitted would not have a significant detrimental impact on the visual and residential amenities of the area, the business use of the site, nor on parking demand/highways safety and that conditional planning permission should be granted for the proposal.

as amended by documents received on 15.08.2016

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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

- 3 Prior to the commencement of the development hereby permitted an acoustic assessment to determine likely noise and recommend mitigations to the building to achieve a reasonable resistance to airborne sound transference and reduce noise break out associated with the proposed use shall be submitted to the Local Planning Authority and approved in writing. The acoustic assessment shall include detailed information regarding any public address (PA) system, including the siting of speakers, details of the frequency and nature of use i.e. for the amplification of music/human speech, its volume and technical specification.**

The recommended mitigations shall be implemented in accordance with the approved details prior to the first use of the building for the purposes hereby granted planning permission and shall be permanently retained as such thereafter and any PA system shall be operated in complete accordance with the approved details.

Reason: In order to comply with Policy 7.15 of the London Plan and in the interest of the residential amenities of the occupants of neighbouring properties.

- 4 The building shall not be used for congregation/collective worship outside of the hours 19.00 - 21.00 on Wednesday, and 10.00 - 13.00 on Saturdays and Sundays.**

Reason: In the interest of the residential amenities of neighbouring residents and to accord with Policy 7.15 of the London Plan.

- 5 The building shall be used as a place of worship and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. If the use of the building as a place of worship ceases, the use will revert to the existing Class B1/B8 use.

Reason: In the interest of the residential amenities of the area and in order that a change of use within the Use Class can be considered in the light of the specific use/user and the circumstances at the time.

- 6 Before commencement of the use of the land or building hereby permitted parking spaces and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or parking spaces indicated or in such a position as to preclude vehicular access to the said land or spaces.

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 7 Before the use hereby permitted first commences, bicycle parking shall be 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/storage facilities shall be permanently retained thereafter.

REASON: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In the interest of the residential and visual amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.