

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

Application No : 18/01965/FULL1

Ward:
Kelsey And Eden Park

Address : St John's Coptic Orthodox Church 11
Dunbar Avenue Beckenham BR3 3RG

OS Grid Ref: E: 536385 N: 168426

Applicant : Father Abbadear Makary

Objections : YES

Description of Development:

Construction of church community hall with basement space, lightwells and railings.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 15

Proposal

Planning permission is sought for the construction of a single storey building with an excavated lower ground floor level within the grounds of the host church.

The proposed structure would be positioned on the site of an existing all-weather small games pitch, towards the southern boundary of the site.

It would have a single storey appearance from the sides and from the rear, while at the front of the building, facing into the church car park, the basement level would be appreciable from the glazed front balustrades. The ground floor would provide a community hall with associated toilet facilities, a kitchen and an office. At basement level a multi-use hall would be provided.

Externally, the building would be 3m high to eaves level with a maximum height of 3.6m - 4.25m accounting for the curvature of the proposed green roof. The roof would overhang the building below at the front.

The front elevation of the structure would be substantially glazed while the side and rear elevations would be timber clad.

A minimum of 2m space would be retained to the side and rear boundaries of the site, with approx. 3m retained between the western corner of the building and the rear garden of No. 15 Dunbar Avenue.

The application was supported by the following documents:

- Design and Access Statement
- Transport Note
- Description of works - sedum roof

Location and Key Constraints

The application site lies on the south eastern side of Dunbar Avenue and comprises a former public house which has been converted into a place of worship.

The main building housing the church is centrally positioned within the site, and is surrounded by hardstanding car parking. Part of the site projects to the south of the main church/car park and it is on this space that the proposed church hall would be constructed. The area in question is bounded to the west by the rear boundaries of the gardens serving Nos. 13 and 15 Dunbar Avenue. There are trees within the nearby gardens, the canopies of which do not overhang the application site. To the south/south west the site is bounded principally by the rear garaging/service road associated with Nos. 39 - 47 Dunbar Avenue with a small part of the boundary being with the very end of the garden of No. 17 Dunbar Avenue. To the east the site is bounded by the rear service road leading to the residential garaging associated with Nos. 2 - 18 Balmoral Avenue.

The host building (former Public House) is a locally listed building.

The surrounding area is predominantly residential in character.

Comments from Local Residents and Groups

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

Objections

- Noise levels during the weekend and particularly on Sundays make it impossible to sit in neighbouring gardens. Noise associated with children playing or adults playing sport.
- If the hall is being built to house these activities there are no objections but the doors should be smaller and kept closed
- Doors should be repositioned, sound proofing should be installed and air conditioning provided to minimise noise pollution.
- Doors should open into the car park rather than to the side
- Children play ball games out there all day every Sunday
- Bi fold doors will result in a lot of noise
- Loss of privacy
- Flood risk
- Impact on wildlife
- Impact on parking

- Planning history - as a public house permission was refused for various play areas and building works
- Ball games within the car park

Local Groups

- The West Beckenham Residents Association has objected on the basis of the impact of the use on the gardens and buildings of surrounding properties at weekends and evenings. No action has been taken to reduce the nuisance
- Most residents agree to the proposed building provided that strong, clear and enforceable conditions are put on any permission and the outside space to prevent any noise and light pollution and the RA has asked to be consulted on the draft conditions, requesting that they include limitations on window openings/wide doors, no exterior floodlighting, a noise limiting device fitted, no games or social activities outside the building (i.e. on the car park or approaches).

Comments from Consultees

Environmental Health Pollution Officer:

No objections in principle but a condition is recommended which would require the submission to the council before the commencement of the use, of a detailed Noise Management Plan which would include a timetable of the uses, description of the activity, number of persons attending and mitigation measures where necessary to protect residents from exposure to excessive noise. The plan at all times should represent the current use. Informatives are also recommended regarding the construction code of practice and action if contamination is suspected.

Highways:

Additional information was requested regarding the proposals with regards to the hours of operation, trip generation and car parking demand. The development is located in an area with a PTAL rate of 4 on a scale of 1 to 6B where 6B is the most accessible. It was noted that there are waiting restrictions around the entrance to the site. On the basis of the Transport Note no objections are raised from a technical highways perspective.

Policy Context

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.

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.

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).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

3.16 Protection and Enhancement of Social Infrastructure

5.11 Green roofs and development site environs

6.3 Assessing Effects of Development on Transport Capacity

6.13 Parking

7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes

Unitary Development Plan

T1 Transport Demand

T2 Assessment of Transport Effects

T3 Parking

T6 Pedestrians

T7 Cyclists

T18 Road Safety

BE1 Design of New Development

BE10 Locally Listed Buildings

C1 Community Facilities

NE7 Development and Trees

Emerging Local Plan

20 Community Facilities

30 Parking

32 Road Safety
37 General Design of Development
39 Locally Listed Buildings
73 Development and Trees
119 Noise Pollution
122 Light Pollution
123 Sustainable Design and Construction

Supplementary Planning Guidance
SPG1 General Design Principles

Planning History

The relevant planning history relating to the application site is summarised as follows:

The site has extensive planning history. The most relevant is summarised below.

Under ref: 84/02258/FUL, planning permission was granted for a single storey conservatory extension at rear.

Under ref: 94/01886/FUL, planning permission was refused and dismissed at appeal for a car park, beer garden, childrens play area and installation of floodlights.

Under ref: 94/02972/EUC an existing use certificate was refused for the 'Use of building and land as public house with ancillary car park beer garden and childrens play area and operations to layout hardstanding and provide landscaped beer garden'.

Under ref: 08/01176/FULL1 planning permission was refused for 'Decking at rear with smoking shelter and erection of fencing within car park to provided new garden / patio area'.

Under ref: 08/02130/FULL1 planning permission was refused for 'Childs play area at rear with timber rope bridge and play shed and associated hard and soft landscaping'.

Under ref: 10/00971/FULL2 planning permission was granted for the Change of use from public house (Class A4) to community hall, meeting rooms and chapel (Class D1).

Under ref: 10/01839/FULL1 planning permission was granted at appeal for the 'Erection of wall, railings and gates to front'.

Under ref: 11/00167/FULL1 retrospective planning permission was granted for the 'Construction of shed with canopy for storage purposes'.

An application under ref: 13/03647/VAR for the Variation of condition 3 (Car parking management) and condition 5 (hours of operation) of planning permission

ref 10/00971 for a change of use from Class A4 to Class D1, was part allowed and part dismissed at appeal. The appeal inspector did not allow the variation of condition 3. However, the variation of condition 5 was allowed, which relates to hours of operation with a new condition imposed stating;

'The use hereby permitted shall not operate before 0800 nor after 2300 Monday to Saturday, nor before 0900 or after 2130 on Sundays'.

An application for a 'One and a half storey rear extension with basement for use as a community hall and kitchen area, and elevational alterations to existing building' was refused under ref: 14/03573/FULL1 for the following reason;

"The proposed extension would constitute an overdevelopment of the site and its excessive rearward projection, bulk and lack of subservience would cause a detrimental impact to the character of the locally listed building and to the residential amenities of the neighbouring properties in terms of outlook, thereby contrary to Policies BE1 and BE10 of the Unitary Development Plan."

A further application for 'One and a half storey rear extension with basement extension for use as extra accommodation for existing community hall, meeting rooms and chapel and elevational alterations to existing building' was submitted under ref: 15/01360/FULL1. However, this application was withdrawn before determination.

Under reference 15/02988/FULL1 planning permission was granted for the demolition of existing rear conservatory and construction of single storey rear extension with basement extension for use as extra accommodation for existing community hall, meeting rooms and chapel and elevational alterations to existing building.

Considerations

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

- Principle
- Design
- Highways
- Neighbouring amenity
- Sustainability

Principle

Policy C1 of the UDP relates to community facilities including those that meet an identified faith need. The existing use of the main building was permitted under reference 10/00971. When planning permission was granted for the extension/enlargement of the main building under reference 15/02988 it was noted by the applicant that a larger space was required to accommodate the church congregation. There is no suggestion within the design and access statement that the proposed building would be a direct alternative to the extensions previously granted (but not to date implemented) under reference 15/02988 which it is noted

would remain implementable so long as that development is commenced by 24/9/18. By letter received 21/5/18 the agent stated "If granted approval this proposal will be instead of and not in addition to the development granted permission under reference 15/02988."

The design and access statement submitted with the application refers to the annual growth of the church since it was first established and the need for additional space to accommodate those attending services and for other events held by the church. The D&A statement refers at 7.2 to the potential that the proposals will create a facility which will contribute to the local community being a space for a range of social, community, charitable and religious activities, although as submitted the application relates solely to the provision of additional facilities for the host church.

The principle of the provision of enlarged community facilities relating to the church use of the site is considered to be acceptable. I

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 seeks to ensure that new development should complement the scale and form of the host building and should be compatible with surrounding development. Policy BE10 relates to Locally Listed buildings and states that a proposal to alter, extend or change the use of an existing locally listed building will be permitted so long as it is sympathetic to the character, appearance and special interest of the building and will respect its setting.

It is considered that being detached and positioned discreetly within the site in an area which extends out from the main rectangular plot, the proposed building would respect the setting of the host locally listed building and would not harm the character, appearance and special interest of that building.

In terms of the appearance of the structure, its height and position is considered to sit comfortably within the context of the site and surroundings, being positioned in relation to the numerous backland garages associated with the nearby residential dwelling. Its height would increase towards the front and centre of the structure as a consequence of the sloping roof design, but at the rear and flank of the building the modest 3m eaves height is considered to limit the visual impact of the building in conjunction with the separation provided to the boundaries of the site.

The provision of a green roof would further mitigate the visual impact of the building and it is considered that the design, materials and scale of the structure, with the basement being appreciable only from within the site, would be acceptable in the context of the immediate site surroundings and the adjacent garaging accessed from Dunbar Avenue.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The proposal would provide a large additional space for the use of the congregation. It falls to consider whether, in the light of the parking available on-site and the siting of the structure on an existing astroturf ball court rather than on the retained car parking area, the proposal would have an unacceptable impact on conditions of safety and the freeflow of traffic, along with on-street parking demand.

The applicants have submitted a transport note and highways comments have been received which state that the proposal would not have an impact on parking demand and traffic generation, as a consequence of which there are no highways objections to the proposals.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

It is noted that significant concern has been expressed by local residents regarding the impact of the proposal with particular regard to noise and disturbance, with comments relating to the existing noise associated with the use of the site as a whole, as well as to the design of the building leading to noise emanating from inside to the outside areas. Some comments have referred to there being openings on the flank elevations, although the plans submitted suggest that the only openings at ground and basement level would be to the front elevation, that which faces onto the open car park.

The structure would be sited in place of an existing fenced astroturf ball pen, the use of which could potentially concentrate noise from players and sports into an area close to neighbouring residential gardens at No. 13 and 15 Dunbar Avenue, although separated from the remaining rear gardens by the garaging and associated access road. The open nature of this facility would tend to result in there being limited screening or buffering of that noise where in contrast the construction of a solid building would tend to contain noise within the structure with the exception of the windows/doors at the front of the building which would allow noise to escape. There are no technical environmental health objections to the proposal in principle, and it is considered that the suggested condition relating to the provision of and adherence to a Noise Management Plan would provide satisfactory control over the impact of the proposals on the amenities of neighbouring residents with regards to noise.

On balance, taking into account the comments from an Environmental Health perspective and the altered impact of the use of the site relating to the provision of an enclosed rather than an open area of space, the refusal of planning permission on the basis of the impact associated with noise would be unsustainable in the context of the scope of the existing potential use of the site. If planning permission is granted it would be appropriate to impose conditions similar to those originally imposed under 10/00971 with regards to the hours of operation of the use of the site and with regards to the use of the building.

With regards to the impact of the structure on daylight and sunlight, visual impact and the privacy of neighbouring residents, the modest height of the structure and its siting some distance from neighbouring buildings would limit the impact on amenity. There is screening planting at the rear of the nearest residential dwellings at 13 and 15 Dunbar Avenue and the relationship of the building to neighbouring development would principally relate to detached garages positioned at the rear of quite generously deep rear residential gardens rather than to dwellinghouses themselves. It is not considered that the proposed building would have a significant visual impact when viewed from neighbouring properties and the proposal is therefore considered acceptable in this respect.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The proposal includes the provision of a sedum roof to the structure. Information regarding the roof has been provided, stating that the proposal relates to a sedum roll, 30mm deep and with no requirement for additional substrate. The manufacturer/supplier specification refers to it as a pre-cultivated sedum vegetation blanket. With regards to post-installation maintenance, there is limited information and if permission is granted it would be appropriate to secure, by way of condition, the provision of confirmation that there is a plan for the future maintenance of the roof.

Crime

If permission is granted a Secured by Design condition is recommended in order to minimise the risk of crime.

Wildlife/Flooding

It is noted that concern has been expressed regarding the impact of the proposal on wildlife, including the displacement of badgers from the Co-Op sports ground site. The proposed structure would replace an existing astroturf court.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

It is noted that objections have been received in respect of the proposals, with concerns expressed as summarised above, with particular focus on the noise and disturbance associated with the use and the impact on the neighbouring properties.

It is considered on balance that the enclosure of the space nearest the adjacent residential gardens within a solid structure would not result in an increase in noise and disturbance to the neighbouring properties since rather than comprising an open astroturf pitch, the walls of the building would act as a barrier to sound to some extent. It is acknowledged that the opening front doors would allow noise to emanate from the building, but these doors face the car park rather than neighbouring property. There are no technical objections from an environmental health perspective, subject to the provision of and adherence to a Noise Management Plan, which is considered a reasonable means of safeguarding

neighbouring amenity. It is noted that it has been suggested that conditions be imposed to ensure that the windows/doors are kept permanently closed. It is not considered that this would be reasonable or readily enforceable, and in the absence of such a condition, the provision of a Noise Management Plan would represent a means of safeguarding neighbouring amenity in its place.

With regards to the visual impact of the proposal, its siting and height above ground level would limit the impact of the building on the wider visual amenities of the locality. The proposed building would be sited at the rear of the gardens of the nearest neighbouring properties, in the context of existing rear garage buildings serving the surrounding residential area. It is not considered that the proposal would result in unacceptable impact on the residential amenities of neighbouring residents as a consequence of its height and siting.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 11.07.2018

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: To comply with 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 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages 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 (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

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

- 4 The building hereby permitted shall operate in accordance with the hours of operation allowed at appeal, ref: 13/03647/VAR, which state that the use shall not operate before 0800 nor after 2300 Monday to Saturday, nor before 0900 or after 2130 on Sundays.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.

- 5 The use of the building shall be in accordance with the use of the site granted permission under ref: 10/00971/FULL2 as community hall, meeting rooms and chapel (Class D1) and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In order to comply with Policies C1 and BE1 of the Unitary Development Plan and in the interest of the amenities of neighbouring residents.

- 6 The premises shall be used for social functions on no more than two evenings between Monday and Saturday.

REASON: In the interests of the amenities of neighbouring residents and in order to comply with Policy BE1 of the Unitary Development Plan.

- 7 Prior to the commencement of the development hereby granted planning permission details of the maintenance schedule for the proposed green roof shall be provided to and approved in writing by the Local Planning Authority. The green roof shall be implemented in accordance with the Bauder document ref. B181733 and shall be maintained in accordance with the approved management plan thereafter.

Reason: In order to comply with Policy 123 of the draft Local Plan and Policy 5.11 of the London Plan and to secure a satisfactorily sustainable development.

- 8 Prior to the commencement of the use of the building a detailed Noise Management Plan which would include a timetable of the uses, description of the activity, number of persons attending and mitigation measures where necessary to protect residents from exposure to excessive noise shall be submitted to and approved in writing by the Local Planning Authority. The plan shall at all times represent the current use and shall be adhered to in accordance with the details of the Noise Management Plan.

Reason: In the interest of the residential amenities of neighbouring residents and to accord with Policy 119 of the draft Local Plan.

- 9 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 10 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 order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

You are further informed that :

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of**

Environmental Health & Trading Standards regarding compliance with the Control of Pollution

Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure

compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code

of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health

should be contacted immediately. The contamination shall be fully assessed and an appropriate

remediation scheme submitted to the Local Authority for approval in writing.

- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**

- 3 The applicant's attention is drawn to the requirements of Thames Water with regards to the minimisation of groundwater discharge, the sequential approach to the disposal of surface water, and the incorporation within the proposal of protection to the property. The comments are viewable on-line via the public access website www.bromley.gov.uk/planning**

- 4 You are advised to contact the Designing Out Crime Officer (Mark Headley, SE DOCO Team, Metropolitan Police Service) on 020 8284 8889 or mark.a.p.headley@met.police.uk with regards to achieving Secured by Design accreditation.**