

Item No. 7.1	Classification: OPEN	Date: 12 May 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 13/AP/3694 for: Full Planning Permission Address: EAST DULWICH TABERNACLE CHURCH, 107 BARRY ROAD, LONDON SE22 0HW Proposal: Demolition of existing rear and front extensions and replacement with a new single storey extension to the rear and a part single storey and part two storey to the front.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 15/11/2013		Application Expiry Date 10/01/2014	
Earliest Decision Date 16/01/2014			

RECOMMENDATION

1. That the application is referred to the planning sub-committee for consideration; and that full planning permission is granted subject to condition.

BACKGROUND INFORMATION

Site location and description

2. The site is presently occupied by a single storey brick chapel, used by the East Dulwich Tabernacle church, built around 1950 to replace a previous chapel which had suffered from bomb damage. Set towards the rear of the site, the building is approximately 21m from the Barry Road frontage and is of limited architectural merit. The site is located within a predominantly residential area, including dwellings adjacent to the its northern flank and rear boundaries.
3. The site is subject to the following designations:
 - Air Quality Management Area
 - Suburban Density Zone
 - Public Transport Accessibility Level (PTAL) 3.

The site is not within a conservation area or within the setting of a listed building or structure.

Details of proposal

4. The application proposes the partial demolition of the front and rear sections of the existing building, followed by the erection of a small single storey extension to the rear of the building and a larger part single / part two storey extension to the front of the existing building. The two storey part (measuring 9m in depth) of the overall front

extension (measuring 17m in depth) would front onto Barry Road, approximately in line with the existing adjacent two storey buildings. The extensions will house expanded church facilities including a slightly expanded worship area and class room space, along with improved kitchen, toilet facilities and circulation space.

Planning history

5. A previous application (13/AP/1077) in 2013 for part single/part two storey extensions to the church was withdrawn by the applicant.

Planning history of adjoining sites

103-105 Barry Road (adjacent to the north boundary of the application site)

6. Planning permission (08/AP/0433) granted in 2008 for the demolition of existing timber yard and construction of six three storey residential dwellings (ground and first floors plus roof space); parking and amenity space. This permission has been implemented.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

7. The main issues to be considered in respect of this application are:
 - a. The acceptability in principle of the proposed extensions
 - b. The impact of the proposed development on the amenity of neighbouring and local residents
 - c. Transport, highway and parking impacts
 - d. The design of the extensions and the impacts on the surrounding townscape

Planning policy

8. The following frameworks, policies and guidance are of particular relevance to the proposals:

National Planning Policy Framework (the Framework) 2012

This application should be considered against the Framework as a whole, however the following sections are particularly relevant:

- 4 -Promoting sustainable transport
- 7- Requiring good design
- 8- Promoting healthy communities
- 11- Conserving and enhancing the natural environment

London Plan (March 2015)

- Policy 3.9- Mixed and balanced communities
- Policy 3.16- Protection and enhancement of social infrastructure
- Policy 5.13 Sustainable drainage
- Policy 6.13- Parking
- Policy 7.6- Architecture
- Policy 7.15- Reducing noise and enhancing soundscapes

Southwark Core Strategy (2011)

- Strategic Policy 1 - Sustainable Development
- Strategic Policy 2 - Sustainable Transport
- Strategic Policy 12 - Design and Conservation
- Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by paragraph 215 of the Framework, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the Framework. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the Framework. The following saved policies are considered to be particularly relevant to this application:

2.2 Provision of new community facilities

3.1 Environmental effects

3.2 Protection of amenity

3.11 Efficient use of land

3.12 Quality in design

3.13 Urban design

5.2 Transport impacts

5.6 Car parking

5.7 Parking for disabled people

Supplementary Planning Documents (SPD)

Sustainable design and construction SPD (2009)

Principle of development

9. The land use at the site would remain the same as existing, the acceptability in principle of an extension to the existing facility, enhancing an existing community facility, is acceptable in this reasonably sustainable location.

Environmental impact assessment

10. The size, scale and potential impacts of the proposed development are not such to trigger the criteria for requiring an environmental impact assessment. However, the impacts of the proposal on the local area are considered below.

The impact of the proposed development on the amenity of local residents

11. There have been a number of objections to this proposal, all from local residents including concerns about the impact the scheme would have on their amenity. Concerns range from the impact on daylight and sunlight; privacy; noise and potential for a sense of enclosure. Many comments also refer to parking and highway safety; loss of green space, drainage and the lack of benefits for the local community - these matters addressed in other sections of this report. The following paragraphs deal with the potential for impact on local amenity.

Noise

12. The chapel has a gross internal area of 210sqm; the proposed scheme would result in a gross internal area of 465sqm, an increase of 221%. Such an increase would normally be associated with an increase in the congregation and/or a greater number of services and meetings. This is not however the driver for the application, which is to improve amenities at the site for users is evident from the proposed expansion of the worship area which would only have a small increase from 108sqm to 128sqm. This modest increase in area would not facilitate an increase in the congregation that the scheme might initially suggest. The applicants have provided details of the present

use of the chapel which consists of Sunday morning and afternoon worships, a Sunday School along with meetings on Wednesday and Friday evenings. Other less frequent meetings take place on Saturday during the day and quarterly on Tuesday afternoons. The architect has advised that the capacity for the worship area would decrease by five seats. This is because of the addition of wheelchair spaces and areas that would need to be kept free for access to the greater number of fire exits.

13. The current Wednesday evening meeting would be split into two meetings, one on a Monday evening and another on a Wednesday evening, there is also an aspiration for one further meeting for older young people. This could occur in any event and does not require planning permission.
14. Most noise complaints about places of worship relate to the worship events themselves rather than meetings. As it is the meetings that would increase, it is reasonable to judge that the proposed scheme would not give rise to significant noise and disturbance over and above that which already exists. The council's noise and nuisance team have not received any complaints of noise from the premises.
15. It is also relevant that the use of the site is presently unfettered by existing planning conditions meaning that the chapel could be used at any time of the day or night without breaching planning control. While the present occupants have been operating without causing nuisance, other operators could use the site with a different mode of operation. When considering the fact that amplified music could also be used during services at present and that the current glazing is single paned, there is a potential for noise disturbance with the current situation. There is no opportunity, through this application to control the use of the site with respect to hours of use, as it would be unreasonable given the limited nature of this proposed development. The potential to cause an impact on local amenity through noise could be significantly reduced with respect to break-out noise- a beneficial consequence should planning permission be granted. A condition is recommended for the applicant to provide details of a scheme of sound insulation to prevent noise break out (including noise from any music).
16. It is also recommended that a condition be imposed, should planning permission be granted, to prevent flank doors from being used for access and egress except in emergencies, other than for persons requiring step free access.

Daylight and sunlight

17. The properties that would be most affected are 103 and 105 Barry Road and 1-4 Poppy Mews to the north. Ground heights vary between the site and the dwellings to the north by up to 1.5m. This means that an increase in the height of the building may cause impacts on daylight and sunlight. The fence separating dwellings to the north is 1.62m in height meaning that its height as seen from the gardens of the dwellings would be approximately 3m.
18. The extension to the west would follow the building line of the existing footprint of the chapel, but would drop down in height by 1.5, at eaves level west of the existing building. The result would be a building form that would effectively replicate the relationship that presently exists behind 1 and 2 Poppy Mews. One difference would be that the extension would be 0.5m closer to the boundary fence of 3 and 4 Poppy Mews due to the fact that the fence is 0.5m further south behind part of 3 Poppy Mews. It would continue along this line to the west but this would be mitigated by the reduced height of the proposal in this direction.
19. Planning permission was granted in 2008 for the development of the site that is now occupied by 1-4 Poppy Mews and 103 and 105 Barry Road. The relationship between the chapel and the proposed residential units at 1 and 2 Poppy Mews was considered

to be acceptable at that time. The single storey extensions now proposed would have a similar relationship to that existing with 1 and 2 Poppy Mews to the west. It is noted that the existing fence at the rear of 1-4 Poppy Mews breaks a line that would be at 25 degrees from the centre of the ground floor rear doors, the impact of the additional height of the proposed building above this fence would not give rise to unacceptable harm for these properties. It is concluded that the impacts on daylight and sunlight for these adjacent properties would be acceptable.

20. The impact on 105 Barry Road would be of a similar degree with respect to the single storey element, however the proposed two storey part would be closer to this property. It would replicate relationships normally seen on streets, as is the case further south along Barry Road, where two storey buildings have a flank-to-flank relationship with each other. The relative heights of the proposed building and the boundary fence mean that there would be some degree of shading for the garden at 105 Barry Road and possibly at 103 Barry Road. These gardens, particularly at 105 Barry Road are affected by a significant degree of shading from the boundary fence and the impact of the proposed development would not exacerbate this impact to a significant extent.
21. To the south is 109 Barry Road, the garden of which is already close to the existing building. Being to the south, there would be no impact on sunlight. Daylight would not be severely affected as its primary windows would be oblique to the scheme and being at the same ground level as the application site, the potential for a sense of enclosure is small.
22. The Picketts Terrace Residents' Association have objected to the application on transport impacts (these are discussed below) and the impact on daylight and sunlight. These dwellings are over 26m to the north of the site and separated from it by houses on Poppy Mews, any impact on daylight or sunlight is therefore likely to be negligible.

Sense of enclosure

23. While the two storey element would not be visible from the rear windows and doors of 103 or 105 Barry Road, the single storey part would. It would only be visible obliquely to the rear windows and protrude above the boundary fence by 1.2m, although it would be set back by 1m that would reduce its perceived height and not give rise to an undue sense of enclosure. The built form facing 1-4 Poppy Mews would change but again, the perceived height above the boundary fence would be limited and not result in an undue sense of enclosure or overbearing appearance.
24. Works to the eastern part of the building would be modest with a 50cm increase in height at eaves. The building would not be closer to the boundary with 229 Underhill Road and therefore its impact on this property in terms of daylight, sunlight and sense of enclosure would be minimal.

Privacy and overlooking

25. A number of windows are proposed on the north and south elevations which may provide the potential for neighbours' properties to be overlooked. A condition is recommended requiring the glazing for these elements to be obscure glazed.

Transport issues

26. The applicant has advised that there would be no intensification of the use of the site should planning permission be granted, above an additional two meetings during the week. Significantly, there are no proposed changes to services which would remain as present: one morning and one afternoon service on Sundays.

27. Concern has been expressed by objectors about the impact that the development would have on parking in the area which is not a controlled parking zone. A list of regular attendees to the Sunday services provided by the applicant shows that most of them live in the local SE22 area. There is limited potential for intensification of use at the site because the modest increase in the worship area would provide a limit on numbers attending services. It is however considered reasonable to ensure that the number of services would not increase significantly and to this end, it is recommended that a condition requiring a schedule of services and meetings be submitted to the local planning authority for approval. Any schedule agreed would then need to be complied with, thus limiting the potential for intensification and possible transport impacts that may result.
28. The church presently has a number of mini busses that they park on the street during the week; these are used for ferrying people to and from the chapel, mainly for meetings and the Sunday school which is well attended. Being left on local streets during the week, the mini-buses take up parking spaces that residents would otherwise use, and residents have raised concerns about this situation being compounded by the proposed development. However, this is an existing situation and, given the safeguards secured through the recommended conditions, a material intensification in the use of the site, and thereby the use of the mini-buses, should not arise as a result of these proposals.
29. The applicant has also conducted and submitted the details of a transport survey. This shows that most of the people attending services either walk or share a vehicle to attend. Of the congregation, 58 walk or use public transport. Sixteen private vehicles are used to transport the 49 other people included in the survey. The council's transport planning team are satisfied with the results of this survey and do not raise any concerns.

Design issues

Scale and massing

30. A two storey elevation proposed on Barry Road would not be out of character with the existing scale of development, indeed it would in fact be of a slightly smaller scale, because its attic would be more modest than those to the north and south. It would also result in enclosure of the street with a two storey building alongside existing two storey buildings, adding to the overall character of the streetscene. On the remainder of the site, the massing would be suitably restrained for this predominantly residential environment.

Materials and detailed design

31. With the use of brick, the development would replicate the vernacular elsewhere in the area. One objection refers to the proposed windows of uPVC being out of character. Windows in the area are a mixture of traditional timber sash windows and more modern equivalents of uPVC. While the uPVC material may be acceptable, the usual centre opening casement type of windows would look out of place on this largely Victorian residential street. A condition is recommended to require details of windows to be provided before any above grade works. The first floor roof to the front would be covered in tile with the ridge finished in felt, materials that would be acceptable on a modern building. Whilst the overall design is not particularly innovative it is not considered to result in any detriment to the existing streetscene or visual amenities of the area.

Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL)

32. The scheme is below the threshold for a contribution under s106. It would attract mayoral CIL only as this because there is a rate of £0 for the D2 uses locally. The mayoral CIL payable would be £13,926.96 but because the applicant is a charity, it would be able to apply for relief.

Sustainable development implications

33. The scheme would mean the covering of ground that is presently covered by grass and the loss of this green space has been cited by local residents as one of their concerns. A condition is recommended to require the applicant to install a soak-away or other sustainable urban drainage system (SuDS) to ensure that run-off would not increase. There is presently little ecological value for the lawn to the front and its loss would not materially affect habitat.
34. Given that the proposal only proposes extensions to an existing community facility, it is not considered necessary to impose any conditions requiring BREAM compliance.
35. Should planning permission be granted, the development would provide more suitable facilities for this community use, with better quality meeting rooms and step free access.

Other matters

36. A number of objections have been received from local residents referring to the drawings submitted being of poor quality. Although the drawings are of the more 'traditional' variety in that they appear to be hand drawn, they are clear, demonstrate the works proposed and show all relevant plans and elevations.
37. Some objectors also suggest that the scheme would not benefit the local community. While the benefit of the proposal would essentially be limited to members of the church, evidence from the applicant shows that they live in the local area and are therefore members of the local community.
38. One objector has raised the question of security. A gate on the front of the site would provide the same level of security as for the site as is present. A condition regarding boundary treatment would also require details of a means to secure the site and would address this concern.
39. Other comments have been received concerning the church's links with other faith organisations in the borough and the potential for this site to be used more intensively. As discussed above, this application provides the opportunity to control through planning what is presently an unfettered use. Were the site to be used by any other organisation, they would be subject to the same controls.

Conclusion on planning issues

40. The development would, through the extension of an existing chapel, provide better facilities for this community use and provide step free access. Impacts on amenity from noise would be limited as there will not be a material intensification of the use at the site, indeed were planning permission to be granted, what is presently an unfettered use could be controlled, to protect residential amenity. There would be some impact on daylight, sunlight and overshadowing to the north, however this would not cause unacceptable loss of amenity, partly because of the high boundary fence (viewed from residential properties to the north) and partly because of the relatively

modest protrusion above this that the scheme would provide.

Community impact statement

41. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics detailed above is expected.

Consultations

42. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

43. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

44. A total of nine objections have been received to this application. These are all from local residents, including an objection from the Picketts Terrace Residents' Association. The matters in the objections have been discussed in the main body of the report. However some issues that have not are:

- Lack of funding for the scheme,
- Concern about access that may be needed to residential properties for construction,
- Impact on retaining wall (with properties to the north).

The funding for the scheme is not a material planning consideration. Neither are the latter two issues as these are civil matters to be resolved between neighbours.

Human rights implications

45. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
46. This application has the legitimate aim of providing an extension to an existing chapel. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2596-D Application file: 13/AP/3694 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Dipesh Patel, Team Leader - Major Applications	
Version	Final	
Dated	28 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	Yes
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team	29 April 2015	

APPENDIX 1

Consultation undertaken

Site notice date: 24/12/2013

Press notice date: n/a

Case officer site visit date: 27/06/2013

Neighbour consultation letters sent: 23/12/2013

Internal services consulted:

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]
Transport Planning Team

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

114 Parkway London NW1 7AN	297 Underhill Road London SE22 0AN
Flat B 142 Barry Road SE22 0HW	299 Underhill Road London SE22 0AN
Flat A 109 Barry Road SE22 0HW	293 Underhill Road London SE22 0AN
Flat B 109 Barry Road SE22 0HW	295 Underhill Road London SE22 0AN
Flat C 142 Barry Road SE22 0HW	The Coach House 109 Barry Road SE22 0HW
Flat A 136 Barry Road SE22 0HW	103 Barry Road London SE22 0HW
Flat B 136 Barry Road SE22 0HW	105 Barry Road London SE22 0HW
Flat A 130 Barry Road SE22 0HW	1 Poppy Mews London SE22 0EE
Flat B 130 Barry Road SE22 0HW	2 Poppy Mews London SE22 0EE
Flat 1 128 Barry Road SE22 0HW	3 Poppy Mews London SE22 0EE
Flat 2 128 Barry Road SE22 0HW	4 Poppy Mews London SE22 0EE
134a Barry Road London SE22 0HW	3 Victoria Close London SE22 0BF
134b Barry Road London SE22 0HW	4 Victoria Close London SE22 0BF
Flat 3 128 Barry Road SE22 0HW	1 Victoria Close London SE22 0BF
Flat A 140 Barry Road SE22 0HW	2 Victoria Close London SE22 0BF
Flat B 140 Barry Road SE22 0HW	3 Picketts Terrace Underhill Road SE22 9DX
Flat 4 128 Barry Road SE22 0HW	4 Picketts Terrace Underhill Road SE22 9DX
Flat 5 128 Barry Road SE22 0HW	1 Picketts Terrace Underhill Road SE22 9DX
Flat C 136 Barry Road SE22 0HW	2 Picketts Terrace Underhill Road SE22 9DX
Flat C 138 Barry Road SE22 0HW	5 Picketts Terrace Underhill Road SE22 9DX
First Floor And Second Floor Flat 115 Barry Road SE22 0HW	8 Picketts Terrace Underhill Road SE22 9DX
Flat A 138 Barry Road SE22 0HW	291 Underhill Road London SE22 0AN
Flat B 138 Barry Road SE22 0HW	6 Picketts Terrace Underhill Road SE22 9DX
First Floor Flat 132 Barry Road SE22 0HW	7 Picketts Terrace Underhill Road SE22 9DX
Ground Floor Flat 115 Barry Road SE22 0HW	5 Victoria Close London SE22 0BF
Garden Flat 132 Barry Road SE22 0HW	117 Barry Road London SE22 0HW
Flat A 117 Barry Road SE22 0HW	128a Barry Road London SE22 0HW
Flat B 117 Barry Road SE22 0HW	Flat C 109 Barry Road SE22 0HW
Flat A 111 Barry Road SE22 0HW	First Floor Flat 111 Barry Road SE22 0HW
Flat B 111 Barry Road SE22 0HW	6 Victoria Close London SE22 0BF
Flat C 117 Barry Road SE22 0HW	113 Barry Road London SE22 0HW
Flat A 119 Barry Road SE22 0HW	By Email
Flat B 119 Barry Road SE22 0HW	178 Barry Road London SE22
Flat D 117 Barry Road SE22 0HW	Via Email
Flat E 117 Barry Road SE22 0HW	The Coach House 109 Barry Road SE22 0HW

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

By Email

Flat C 109 Barry Road SE22 0HW

Garden Flat 132 Barry Road SE22 0HW

1 Poppy Mews London SE22 0EE

103 Barry Road London SE22 0HW

105 Barry Road London SE22 0HW

1-8 Picketts Terrace 242 Underhill Road SE22 9DX

2 Poppy Mews London SE22 0EE

3 Poppy Mews London SE22 0EE

3 Poppy Mews London SE22 0EE