

Committee Report

Item No: 2

Reference: DC/18/00978

Case Officer: Samantha Summers

Ward: Mid Samford

Ward Members: Cllr Sue Carpendale and Cllr Fenella Swan

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application for replacement church building with multi-functional use spaces for church groups and the community, a commercial kitchen, office, plant, WC and storage. The first floor will include the main worship space, a secondary kitchen, meeting, WC and storage spaces.

Location

The Street, Capel St Mary Ipswich Suffolk IP9 2EQ

Parish: Capel St Mary

Expiry Date: 18/04/18

Application Type: Full planning application

Development Type: Minor Development

Applicant: Revd Andrew Sankey

Agent: Archangel Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to Committee for the following reason:

The application was referred to the Delegation Panel at the request of a Ward Member, Cllr Carpendale. The Panel concluded that the issue of parking associated with the redevelopment of an established chapel was an issue and could be repeated elsewhere in the District and raised issues of more than local significance. It was also noted that the volume and nature of objections indicated that the application was controversial.

Details of Previous Committee / Resolutions and any Member site visit

This application was heard at Babergh Planning Committee on the 16th May 2018 and was fully discussed with a resolution of being deferred until further information was made available on issues of daylight loss to the neighbour and drawings showing the outline of the existing building to that of the proposed.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy (2014):

- CS1 Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS12 Sustainable Design and Construction Standards
- CS15 Implementing Sustainable Development in Babergh

Relevant saved policies of the Babergh Local Plan Alteration No.2 (2006):

- CN01 Design Standards
- EN22 Outdoor Lighting
- TP15 Parking Standards for New Developments

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

NPPF - National Planning Policy Framework (2018)

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Capel St Mary Parish Council

Recommend refusal primarily due to there being no provision for parking. Modern design not in keeping with village. Overdevelopment. Loss of light and overlooking to 48 The Street. Construction traffic dangers.

SCC – Highways

No objection.

Environmental Health – Land Contamination

No objection.

Environmental Health – Amenity

No objection. Recommend a condition limiting the operating hours of the construction phase of the development to 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

BMSDC Economic Development

No comment because this is a community project.

B: Representations

Sixteen objections received on the following grounds:

- loss of historically significant building
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- car parking.
- loss of privacy, outlook, daylight and sunlight access to neighbouring dwelling
- impact on the structural integrity of the neighbouring dwelling.

Twelve letters of support.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site is located on the northern side of The Street, Capel St Mary. Immediately to the rear of the site is the Village Hall and library. To the west are residential properties and immediately to the east is a car park serving the village hall, children's play space and open green area. A bus stop and telephone booth are located on The Street adjacent the site. Residential development is directly opposite and the post office is diagonally opposite to the south west.
- 1.2. The site is occupied by the Methodist Church building which is set close to the front boundary. There is no car parking on the site.
- 1.3. The site is not located in, or near to, any Conservation Area. The nearest listed building is approximately 280m to the east (Orchard Cottage, The Street). The church is not a listed building.

2. The Proposal

- 2.1. The proposed development includes the removal of the existing church building (310sqm) and replacement with a purpose built, two storey church/community building (583sqm). The submitted Design and Access Statement details the proposed internal layout:

Ground floor:

- two multi-functional spaces that can be used by the church groups and the community;
- office spaces;
- WC (including an accessible WC);
- the main entrance hall with a sitting area, a tea station and the main stairs and platform lift to first floor;
- a commercial kitchen, the plant and storage spaces.

First floor:

- the main worship space (current maximum capacity: 222);
- a secondary kitchen;
- a prayer/meeting room;
- an accessible WC; and
- storage spaces.

- 2.2. Proposed finishing materials include brickwork, timber cladding, grey aluminium windows, and combination zinc/green roofs.
 - 2.3. Proposed operating hours are 8am – 11pm at all times (including Bank Holidays).
 - 2.4. No on-site parking is proposed, as per the existing arrangement. The application does not involve any tree removal.
 - 2.5. The site area measures 694sqm.
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3. The Principle of Development

- 3.1. The applicant undertook pre-application discussions with officers who advised:
 - Engagement with the public is encouraged.
 - Highways: As there is no existing provision for parking on site, the applicant should include information on the existing agreements with the local food store and medical practice to use their carparks.
- 3.2. Policy CS3 states that Town Centres and Core Villages are the main focus for retail, leisure and community uses in the district. Capel St Mary is a designated Core Village. The proposal merely seeks to replace an existing community use with the same community use albeit accommodated in an updated, purpose built building. The proposal furthers Policy CS3.
- 3.3. A core planning principle of the NPPF, as stated at paragraph 8, is the delivery of sufficient community and cultural facilities and services to meet local needs. Paragraph 83 of the National Planning Policy Framework (NPPF) makes clear that, in order to support a prosperous rural economy, local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. The proposal is supported by paragraph 8 and 83 of the NPPF.
- 3.4. The principle of a replacement community facility at this location is accepted. Key issues warranting close examination are impacts on the existing car parking network, the character and appearance of the area and residential amenity.

4. Nearby Services and Connectivity Assessment of Proposal

- 4.1. The facility is very well connected to nearby services, sitting adjacent community uses (library and village hall) and diagonally opposite the post office. The site sits amongst the residential part of the village, within walking distance for most village users. The site is in a highly sustainable location.

5. Site Access, Parking and Highway Safety Considerations

- 5.1. Vehicle access is not an issue as no vehicle access is proposed.
 - 5.2. Car parking, or lack of it on-site, is the key concern for the Parish Council and objectors to the proposal. The current church operates in the absence of any on-site car parking and therefore in this regard there is no change proposed to existing conditions. The key difference between the existing use and proposed use, in car parking terms, is the increase in floor area. The application proposes a net additional gross internal floor space increase of 273sqm, up from the existing 310sqm.
 - 5.3. The Suffolk Guidance for Parking (2015) requires for places of worship (Class D1) a parking rate of one space per 10sqm of public floor area. Applying this rate equates to an increase in parking demand for 28 car spaces.
 - 5.4. However, it is not floor area that matters when it comes to car parking demand for a use of the subject nature. It is the number of patrons utilising the space that is the real car parking generator. In this respect there is no change. The current maximum capacity of the existing community facility is 222 patrons. The applicant confirms that the proposed maximum capacity of the new facility is 222 patrons. It can only be concluded that there will be no increase in demand for car parking beyond existing conditions, nor will there be any increase in traffic movements beyond the existing arrangement.
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- 5.5. During the previous Committee meeting the Parish Council raised the issue of the capacity of the building in terms of number of people that could use the building at any one time. Advice has been sought from Building Control on this issue. The total capacity is decided by the applicant at Building Regulation stage, this is for the purposes of Fire Regulations. The Building Surveyor will then work out the floorspace of the building and use a calculation to determine if the fire escapes and space of the building can accommodate the number of people stated by the applicant. It is normal for this type of premises to allow 0.75m – 1m square per person. Only the meeting areas are taken into account, in this instance on the ground floor the Hall of 86m² and the Youth Room of 38m², the first floor Worship Space of 177m². This gives a total of 301m². Therefore, the total capacity of the building could be between 301 – 401 people. However, the applicant has stated that they do not anticipate the number to be more than 222 which is no increase to the existing building. On average the church has between 100-150 people using the building at any one time.
- 5.6. The issue of policing the number of people in the building was also raised with Building Control, and they confirmed that it is the responsibility of the church to ensure that the number of people that has been agreed for Fire Regulation purposes is not breached.
- 5.7. The Highways Authority does not raise an objection regarding traffic or highway safety implications. In the absence of a Highways Authority objection, and the fact there is no change in car parking demand from the existing conditions, there is no justifiable reason to refuse the application on parking or highway grounds. This, of course, is on the proviso that the maximum patron capacity can be limited to 222 by planning condition, which clearly it can be and is a reasonable approach to take. Limiting patron number by planning condition is a commonplace industry practice and is considered to meet the 'condition tests'; it is capable of being constructed in a precise and enforceable manner, is reasonable in all respects, and is considered necessary to make the development acceptable in planning terms.
- 5.8. Proposed cycle provision is adequate.

6. Design and Layout

- 6.1. The proposed design is overtly modern. In a location where there is no nearby Conservation Area or listed buildings, a contemporary design approach is acceptable. Moreover, the character of the immediately locality is a mixed one, with a range of different styles and building forms, including domestic and more utilitarian design approaches. There are pitched roofs, hipped roofs and flat roofs. In an area of such eclectic mix, a contemporary design approach is appropriate, if not expected and encouraged, for a functional building of this nature. The proposal responds favourably to saved Policy CN01 and paragraph 127 of the NPPF

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1. The application does not result in the removal of trees, there are no impacts on habitats and nor does the site contain any ecological value of note. None of these matters require close attention and certainly do not constitute reasons for concern. The nature of the application and the site context is such that referral comments are not warranted from the likes of Council's ecology consultant or arboricultural officer.

8. Land Contamination

- 8.1. Environmental Health raise no objection and the standard unexpected contamination note is recommended.
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9. Heritage Issues

- 9.1. The proposal will in no way impact the setting or significance of any Conservation Area or listed buildings; none are in the vicinity or what is considered to be a sphere of influence from the development.

10. Impact on Residential Amenity

- 10.1. Paragraph 8 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
 - 10.2. The residential interface to the immediate western neighbour is a very sensitive one and warrants careful consideration. Quite understandably, the resident of this property, 48 The Street, raises amenity concerns. The Parish Council also raises concerns regarding residential amenity outcomes.
 - 10.3. The rear private open space of no.48 is highly constrained, of very limited proportions, and so any change in neighbouring bulk and scale will have an effect on the amenity enjoyed by the residents of no.48.
 - 10.4. Like the existing building, the proposed building is set back from the shared western boundary which mitigates the visual impact on the residents of no.48. It is however noted that the existing building, owing to the different roof forms toward the rear of the site, offers less visual bulk than what the proposed building will present to no.48. Part of the existing building presents a gable end to no.48, rather than an expanse of flank elevation. This arrangement of different roof styles, in particular the gap between the main roof and the rear pitched roof with gable, offers a good degree of visual relief to no.48. The proposed development offers one continuous expanse of two storey flank wall for what is essentially the length of the shared boundary, a significantly poorer visual outcome for no.48.
 - 10.5. Moreover, the new building will be brought closer to the shared boundary than the original part of the existing church building (not the existing rear extensions). Reducing the (approximate) gap to 1.6m between building and boundary at first floor level increases the sense of enclosure on no.48. However, the main entrance to the church is located to the side on the boundary with No. 48. The proposed new entrance will be to the front of the building, and therefore reducing noise impact on no. 48 from people entering and leaving the church.
 - 10.6. The ridge height of the new building is higher than the ridge height of the existing building, again presenting a greater bulk to the outlook of no.48. The first floor of the western flank wall, unlike the proposed eastern flank wall, lacks articulation (large expanse of face brickwork aside from two slit windows – although this does offer more privacy in terms of overlooking). The lack of articulation accentuates visual prominence and offers limited visual relief for no.48. To break this up and give relief to the neighbour a green roof is proposed on this roof slope.
 - 10.7. In respect to overlooking, the proposed west facing ground floor windows are not objectionable owing to the extent of shared boundary screening. There are two narrow windows at first floor level facing no. 48. Notwithstanding the current window arrangement in the existing building, it is not appropriate for these windows to be sited in the manner proposed without obscure glazing or some other window treatment, such as stained glass being provided to a minimum 1700mm above finished floor level. This is because of the proximity of the habitable room windows at no. 48, where direct views are promoted between windows as a result of the proposed first floor openings. This matter could be adequately dealt with via planning condition and is not a reason in its own right to withhold permission.
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- 10.8. Losses of daylight and sunlight access will not be unacceptable in light of the existing conditions. There may be some loss, however any increase in loss will not be to a level that causes serious detriment to the amenity of the residents of no.48 that it would be deemed unacceptable.
- 10.9. The Design and Access Statement contends that *'the close proximity of the adjacent residential property at 48 The Street calls for a considerate design that is respectful to overlooking, acoustic separation and visual impact'*. Officers agree. Officers can see how the design approach is respectful and site responsive.
- 10.10. Additional information has been received since the previous Committee meeting. This includes a Daylight Survey at three-hour intervals for summer and winter. The drawings show that there is some loss of daylight from additional shadowing to the garden and windows of the eastern elevation to No. 48 at 9am. However, the shadow quickly passes and by noon there is no change in shadowing.
- 10.11. The Daylight Study data shows that the average daylight factor for the rear first floor bedroom as existing was calculated as 1.76%. With the proposed development in place, the average daylight factor was calculated as 1.31%. The results show that, although there is reduction of the average daylight factor, the proposal still allows for more than 1% average daylight factor in the rear first floor bedroom. The proposed development is considered to be acceptable as the impact on the rear first floor bedroom at No. 48 The Street is above the recommended minimum of 1% as set out by the Building Research Establishment (BRE).

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1. The principle of replacing and updating an existing community facility with a new purpose built facility is accepted.
 - 11.2. A contemporary design approach is supported given the range in building forms found locally. There is not a uniform streetscape appearance and this offers flexibility in any design approach.
 - 11.3. The current maximum patron capacity is 222. The applicant confirms that there will be no increase in patron number beyond the existing capacity. The proposal therefore does not generate an increase in parking demand, even though there is an increase in floor area. There are no grounds to refuse the application for traffic or parking reasons.
 - 11.4. The proposal will impact the neighbour at no. 48. Some parts of the new building would be closer to the boundary than the existing, however, the change in location of the entrance will reduce noise nuisance from people entering and leaving the site. The large expanse of building and roof on the boundary will be broken up by the introduction of a green roof on the roof slope facing the neighbour which will soften the appearance of the building. Overlooking issues from first floor windows can be mitigated by condition. The slight loss of daylight to No.48 at 9am is considered to be acceptable as the sun quickly moves around the building.
 - 11.5. No one can deny that an updated, modern purpose built community building will bring significant social benefits to the local resident population. Therefore, this is considered to be a development which will encourage community use in a purpose-built building to cater for all age groups which is reinforced by two lifts being provided for wheelchair users; it would further the social and economic dimensions of sustainability with no unacceptable harm posed in environmental terms.
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- 11.6. There are constraints facing the site, most notably the proximity of the neighbouring dwelling and its associated private open space. The existing building, although mainly single storey, does have two storey elements and also has the height of a two-storey building in the main chapel. The use is existing and the proposal will enable the space to be used in a more flexible manor which will benefit the wider community who may feel intimidated to use a religious space for community activities.
- 11.7 It complies with the development plan and therefore represents sustainable development where there is a presumption in favour of and permission should be granted without delay as this proposal does not conflict with the aims of the NPPF.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission subject to conditions including:

- Standard Time Limit
 - Approved Plans and Documents
 - Agreement of Materials
 - Agreement of Brickwork Bond
 - Agreement of Window Treatment to First Floor Windows to Western Elevation
 - Construction Management Plan
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