

Committee	PLANNING COMMITTEE (A)	Item No. 7
Report Title	4A CLARENDON RISE SE13 5ES	
Ward	Lewisham Central	
Contributors	Victor Grayson	
Class	PART 1	Date 03 JULY 2008

Reg. Nos. DC/08/67975A, DC/08/67975B and DC/08/67975C as amended

Application dated 24.01.08 revised 10.3.08, 19.3.08 & 21.5.08, amended by email dated 12.6.08 and completed ?

Applicant CCJW Ltd on behalf of Sivan Kovil Trust

Proposal The demolition of existing single storey lobby structures and existing warehouse building (in use as a temple) and construction of a larger building to be used as a temple.

Applicant's Plan Nos. 1215/PL08/01 rev A, 02 rev A, 03 rev A, 04 rev A, 05 rev A, 07 rev B, 08 rev B, 09 rev B, 11 rev A, 12 rev A, 20, 21, 22, 24, Photographs, Phase 1 Flood Risk Assessment Report Ref: 1117 dated March 2008, Revised Design & Access Statement dated 3 March 2008

Background Papers

- (1) Case File LE/735/4A/TP
- (2) Adopted Unitary Development Plan (2004)
- (3) The London Plan (2008)
- (4) Local Development Framework (May 2007)

1.0 Property/Site Description

1.1 4a Clarendon Rise is one of a number of buildings, grouped around an open yard, that comprise the London Sivan Centre. Built originally for industrial use, the warehouse-type building has been used as a place of worship (D1 use) by a Hindu community since 1994. Conditions attached to a 1998 planning permission made that permission personal to the London Sivan Kovil Trust, and restrict the nature and hours of the permitted use.

1.2 The application site abuts the River Quaggy to the north, and the pavement of Clarendon Rise to the east. The building stands 6 metres above pavement level at its highest point, and has various untidy single-storey lobby structures at its west end. External surfaces are varied, and include brick, concrete blocks, exposed steel beams and unpainted render, while the pitched roof is covered with corrugated sheets.

1.3 The adjacent 2-storey building, Riverside House at 12a Lee High Road, is used by the applicants as a cultural/community centre. To the south are 3 units currently let to commercial tenants, accessed via the shared gated entrance on the west side of Clarendon Rise.

1.4 In terms of UDP designations, the application site is within the Lewisham Major Town Centre, and an Area of Archaeological Priority.

2.0 Planning History

2.1 31/08/1965 – Permission refused for the erection of a service station restaurant and multi-storey garage. Ref: 00073.

2.2 04/08/1976 – Permission granted for the erection of a single-storey pre-fabricated storage building. Temporary permission valid to 31/05/1981. Ref: 13509.

2.3 28/06/1978 – Permission granted for the erection of a single storey extension for use as an office. Ref: 15796.

2.4 11/04/1994 – Permission granted for alterations and the change of use of part of 4a Clarendon Rise for street traders' storage. Ref: 37367.

2.5 21/09/1994 – Permission granted for alterations and the change of use of part of 4a Clarendon Rise to a place of worship, together with the retention of a single storey porch link. Temporary permission for use valid to 31/08/1995. Permission personal to the London Sivan Kovil Trust. Other conditions restricted the hours of the use to 8.00 to 21.00 daily, and prohibited music and amplified sound audible outside the premises. Ref: 37501.

2.6 15/02/1996 – Permission granted for the continued use of part of 4a Clarendon Rise as a place of worship. Temporary permission for use valid to 31/10/1997, other conditions as per permission dated 21/09/1994. Ref: 39296.

2.7 30/09/1998 – Permission granted for the continued use of part of 4a Clarendon Rise as a place of worship. Permission personal to the London Sivan Kovil Trust. Other conditions restrict the hours of the use to 8.00 to 21.00 daily, limit the permitted D1 use to use as a place of worship with ancillary offices and meeting rooms, and prohibit music and amplified sound audible outside the premises. Ref: 43254.

2.8 29/07/2005 – Permission granted for the construction of a new glazed timber framed lobby to the front of 4a Clarendon Rise, together with a pitched roof to part of the existing temple. Ref: DC/05/59034.

2.9 18/05/2006 – Permission granted for the demolition of the front entrance lobby at the temple building at 4a Clarendon Rise, the construction of an extension to the western end of the building, alterations to the elevations, the alteration to the roof profile of the northern temple building (an increase to the ridge height and an extension to create a gable end) and the creation of an entrance in the elevation to Clarendon Rise. Ref: DC/06/61499. This permission has not been implemented.

3.0 Present Application

- 3.1 The applicants propose the demolition of most of the existing warehouse-type building, with only the north wall (abutting the River Quaggy) to be retained. Attached single storey lobby structures would also be demolished.
- 3.2 The proposed replacement temple building would have a larger footprint than the existing warehouse-type building, would present a wider and taller frontage to Clarendon Rise, and would have a roof that would stand 8.2 metres above pavement level at its ridge. Ceremonial doors are proposed to the Clarendon Rise elevation, above which would be a “Kopuram” feature tower, rising to approximately 8.1 metres above pavement level. Single storey elements, accommodating a store room and food preparation room, are proposed either side of the ceremonial doors, and a flat-roofed single-storey lobby is proposed at the west end of the new temple. The main entrance would be on the south side of the new building, facing into the open yard, where a new access ramp is proposed. The finished internal floor level of the temple would be 300mm above the pavement level of Clarendon Rise. External materials would be brick, render, glazing and grey metal roof panels.
- 3.3 The submitted application forms indicate that the temple would be open 24-hours-a-day, 7-days-a-week, however the applicants have subsequently confirmed that daily opening hours of 7.30am to 9.30pm are proposed.
- 3.4 The current proposals differ to those approved in 2006. That approved scheme did not include a Kopuram tower or the raising of the existing finished floor level. Less demolition, a smaller building footprint, and a lower ridge height were previously proposed.

4.0 Consultations and Replies

- 4.1 No objection, subject to measures set out in the submitted Flood Risk Assessment being implemented, and a condition requiring the finished floor level of the proposed temple to be no lower than 8.66 metres AOD.

Neighbours & Local Amenity Societies etc

- 4.2 Letters of consultation were sent to 44 local residents and businesses. Notices were displayed close to the application site. Local Ward Councillors were also consulted.
- 4.3 Letters of objection were received from the occupants of 3a, 4b, 4d, 6 (Flats 2 and 3) and 9 Clarendon Rise, and Flats 1, 2 and 4 at 14 Lee High Road.
- 4.4 The main planning issues raised were:
- (1) Design, size and appearance of Clarendon Rise elevation, including the proposed tower, being brash, overpowering and out of character with the street.
 - (2) Existing parking problems being exacerbated by the loss of off-street parking and increased temple capacity.
 - (3) Additional noise, including noise from bell ringing and chanting.
 - (4) Lack of tree planting and greenery in the proposals.

- (5) Noise and dust during demolition.
- (6) Lack of consultation from temple.
- (7) Loss of privacy caused by new windows facing balconies to north of application site.
- (8) Loss of light, outlook and view from balconies to north.

4.5 A letter of support was received from the chair of the Lewisham Standing Advisory Council for Religious Education (SACRE), who detailed the multi-faith, community, charity and educational work that the applicants are involved in. The chair commented that proposals are relevant to the great symbolic significance that temple entrances have to the Hindu faith, that no bell tower is proposed, and that without such an entrance the existing temple has been incomplete.

4.6 The occupants of 2 further nearby properties emailed queries which were neither expressions of support nor objection.

(Letters are available to Members)

Quaggy Waterways Action Group

4.7 Any response to be reported verbally.

Highways and Transportation

4.8 Unobjectionable in principle.

5.0 Policy Context

The London Plan

5.1 No policies of direct relevance.

Unitary Development Plan

5.2 Adopted UDP policies relevant to this application are:

URB 3 Urban Design, URB 21 Archaeology, ENV.PRO 11 Noise Generating Development, ENV.PRO 14 Controlling Development in the Flood Plain, ENV.PRO 15 Sustainable Surface Water Drainage in New Development, HSG 4 Residential Amenity, TRN 14 Cycle Parking, TRN 15 Provision for Cyclists and Walkers, TRN 26 Car Parking Standards, LCE 1 Location of New and Improved Leisure, Community and Education Facilities

Local Development Framework

5.3 In view of recent planning legislation which requires the Council to produce a new set of Planning Policy documents the Preferred Options Report has been prepared as part of the Local Development Framework (LDF) and contains policies that will be used to assess planning applications for new development and change of use. This document and also those UDP Policies which have been saved and taken forward for inclusion in the LDF process are thereby now

material considerations to be taken into account in the determination of planning applications.

5.4 LDF policies relevant to this application are:

T12 Car Parking Standards, T13 Provision for Cyclists, SE4 Flood Risk, SE7 Sustainable Urban Drainage Systems, SE10 Noise and Vibration, U2 Urban Design, U5 Inclusive Environment, U23 Archaeology, HEC 5 Places of Worship

6.0 Planning Considerations

6.1 The main planning considerations relevant to this case are design and the impact of the proposed development upon the character and street scene of Clarendon Rise, highways and parking, flood risk, access, sustainability, archaeology, and the amenity of neighbouring residential properties.

Design and Impact Upon the Street Scene

6.2 UDP Policy URB 3 Urban Design states that the Council will expect a high standard of design in new buildings, and stresses the importance of appropriate scale, relationships with the existing townscape, ornamentation, and the use of high quality materials.

6.3 The existing building was not purpose-built for use as a temple. It has a variety of materials on its external surfaces (some original, some added later as part of repairs and in connection with its conversion in the 1990s), appears to be in a poor condition, presents an unattractive, dead frontage to Clarendon Rise, and is highly visible in longer views from Lee High Road. The existing building currently detracts from the character and appearance of the street scene, and its demolition is to be welcomed.

6.4 The proposed replacement building, due to its size and design, would appear much more bold and prominent in the street scene than the existing building, yet the proposed height, width, proportions and detailing are considered acceptable for this location. A long street elevation, showing the proposed development in context, has been submitted, and this drawing indicates that the highest part of the new temple building would be no higher than the ridges of the front gables of the College Park Baptist Church and 4 Clarendon Rise to the south, and would be significantly shorter than the 4-storey "Nandos" building at the corner of Clarendon Rise and Lee High Road.

6.5 Neighbours have stated that the proposed architecture would not reflect that of existing older buildings on Clarendon Rise, and while these concerns have been given due consideration, it must be noted that contemporary and different architecture has already been introduced to this end of Clarendon Rise at the adjacent Nandos building. Furthermore, it is considered appropriate that the design of the proposed new building, with its ceremonial entrance, Kopuram tower and some ornamentation, should reflect its intended use. The introduction of an entrance (albeit intended for occasional ceremonial use) and feature tower to the Clarendon Street elevation would result in a semi-active frontage that would address the street more successfully than the existing building does. A coloured elevational drawing submitted with the application indicates that detailing and colours proposed for the rendered elevation would be fairly subdued, although the relief in the elevation provided by the pilasters and recesses would give the building a lively and interesting appearance. Conditions, requiring large-scale

detailed drawings of the proposed ornamentation, together with samples and details of materials and their finishes and colours, is recommended.

- 6.6 The demolition and replacement of the various untidy single-storey lobby structures at the west end of the existing building, and their replacement with a neat single-storey brick structure, is to be welcomed.

Residential Amenity

- 6.7 UDP Policy HSG 4 states that the Council will seek to improve and safeguard the character and amenities of residential areas by resisting the siting of incompatible development in or close to residential areas and dealing with existing uses that create a nuisance.
- 6.8 The proposed continued use of the application site as a temple is considered acceptable in terms of its impact upon residential amenity. Neighbours have referred to noise from bell ringing and chanting emanating from the existing building, however it is noted that the proposed demolition of the existing poorly-insulated building, and the erection of a purpose-built temple, provide an opportunity to install soundproofing for the benefit of neighbouring residents. A condition requiring details and implementation of appropriate soundproofing is recommended. Contrary to neighbour suggestions, no bells are to be installed in the proposed Kopuram tower – the squares shown on the proposed Clarendon Rise elevation would be decorative recesses and would not be fitted with bells. The new entrance to Clarendon Rise is not intended for everyday use, and would not be kept open during events. Although the internal floorspace of the main room within the temple would increase (and, therefore, there would be increased capacity at the site), the applicants have not indicated any intention to expand their activities, hold more frequent events, or enlarge the catchment area of the temple. The applicants have confirmed that the intended opening hours of the temple would be 07.30 to 21.30 daily, which, although longer than the 08.00 to 21.00 hours previously allowed under the 1998 permission, is only a small extension of hours. There is, therefore, no evident reason for withholding planning permission on the grounds of increased noise, disturbance and activity at the site in this case.
- 6.9 In order to protect the amenities of neighbours, it is recommended that a condition making this permission personal to the London Sivan Kovil Trust, as applied to previous permissions at this site, be re-applied, together with other previously-applied conditions limiting the permitted D1 use to use as a place of worship and prohibiting music and amplified sound audible outside the premises.
- 6.10 The proposed food preparation room at the front (Clarendon Rise) end of the building would be used for the preparation of offerings (mostly fresh fruit) to deities. No primary cooking is proposed, nor would the room be used as a kitchen by visitors to the temple. The proposals therefore raise no concerns in respect of cooking smells and waste.
- 6.11 The proposed development is considered acceptable in terms of its impact upon the natural light, outlook and privacy currently enjoyed by neighbouring residents and businesses to the east, south and west, due to the distance between the application site and these neighbouring properties.
- 6.12 To the north of the application site are flats within the first, second and third floors of the Nandos building. Letters of objection to the proposals have been received

from the occupants of 3 of these flats, and it is noted that the proposed new building would be taller and larger than the unbuilt replacement temple building previously granted planning permission in 2006. Nevertheless, it is noted that the south-facing windows and balconies of this neighbouring building would remain some distance away from the new building, being separated by the River Quaggy and the rear yard/outdoor dining area of Nandos, such that acceptable distances of 11 metres (proposed eaves to the south elevation of Nandos building) and 17 metres (proposed ridge to the south elevation of Nandos building) would be maintained. Given these distances, it is considered that the outlook currently enjoyed by the occupants of these neighbouring flats, including those at first floor level, would not be significantly diminished. The applicants have submitted sunlight diagrams which indicate that the loss of natural light to the Nandos building would be very limited. Concerns regarding the loss of long views from these neighbouring flats are noted, however it is neighbours' outlook, rather than long pleasant views, that the Council is able to protect in this instance – it would be unreasonable for permission to be withheld on the grounds that the neighbours currently enjoy abnormally high levels of amenity across land not in their ownership, especially given that the proposed development would maintain an appropriate level of everyday amenity for these neighbours. The proposed lantern lights at the new roof ridge would be positioned at a high level, such that these neighbours would not experience significant new overlooking or loss of privacy. No further windows are proposed in the temple's north elevation.

Highways and Parking

- 6.13 The proposals raise no significant concerns in terms of highways safety.
- 6.14 Any existing problems of illegal parking within Clarendon Rise are a matter for parking enforcement officers, and are not a reason for refusal of the current application for planning permission. Neighbour concerns regarding high on-street parking demand are noted, as is the proposed loss of 2 parking spaces within the curtilage of the application site (leaving 2 spaces retained within the open yard, for use by commercial tenants). However, given the central location of the site close to public transport services and a public car park (at the corner of Clarendon Rise and Albion Way), and given that no increase in events or attendance has been proposed by the applicants, it is considered unreasonable to refuse planning permission on parking grounds in this case.
- 6.15 Tables TRN 1 and 2 in the UDP confirm that, for D1 uses, disabled parking spaces are only required in car parks with 20 or more spaces. No minimum cycle parking requirement is set out in the UDP for places of worship.

Flood Risk

- 6.16 The application site is located within Flood Risk Zone 3a, and is within 20 metres of the top of a bank of a main river. The applicants have submitted a Flood Risk Assessment (FRA) with their application. The use of the site as a place of worship is classed as a "Less Vulnerable" use in the Flood Risk Vulnerability Classifications set out in PPS 25.
- 6.17 The submitted FRA concludes that the risk from fluvial flooding to the proposed development is of low significance, that the impact to the site from groundwater flooding, sewer flooding or pluvial flooding is minimal (and would be reduced relative to the existing development) given that the ground floor level of the development would be raised by 300mm, and that the effect of the development on local

catchment hydrology is considered to be not significant. The report goes on to note that the site lies within an existing developed area, and that an evacuation route away from the main source of flooding can be provided.

- 6.18 The Environment Agency have not objected to the proposed development on flood risk grounds.

Access

- 6.19 Entrances into the existing building do not comply with Part M of the Building Regulations. The applicants propose the installation of a ramp to the south elevation of the new building which, although having a less than ideal gradient of 1 in 13, would improve access into the temple for wheelchair users and limited mobility.

Sustainability

- 6.20 It is noted that the existing warehouse-type building, not least due to its uninsulated corrugated roof and lack of cavity walls, is highly inefficient in its use of energy. The proposed demolition and rebuilding represents an opportunity to greatly improve the energy efficiency of the temple, and it is noted that the new building will need to comply with relevant energy efficiency requirements under the Building Regulations.
- 6.21 As with the scheme approved in 2006, it is not considered appropriate for a development of this size and nature to require the applicants to include improvements such as river bank regrading and naturalisation in their proposals. In-channel enhancements, including the setting down of gravel and timbers to slow river velocity, together with planting, have, in any case, recently been carried out in the part of the River Quaggy immediately adjacent to the application site.
- 6.22 Given the limited size of the application site and the intensive use of space around it, it is accepted that there would be little scope for soft landscaping around the new building.

Archaeology

- 6.23 The existing floor slab would not be removed as part of the development. Although some excavation and/or piling will still be required, it is considered likely that the affected land will already have been disturbed during previous building work, and that these works are likely to have truncated and damaged any archaeological remains that may have existed within the site.

7.0 Consultations

- 7.1 Noise and disturbance during building works is not a valid planning consideration, and permission cannot be withheld on these grounds.
- 7.2 Other matters raised by neighbours have been addressed above.

8.0 Conclusion

- 8.1 The proposal is considered to be acceptable and approval is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with Policies ENV.PRO 14 Controlling Development in the Flood Plain and LCE 1 Location of New and Improved Leisure, Community and Education Facilities in the adopted Unitary Development Plan (July 2004).
- 9.2 It is considered that the proposal would not result in material harm to either the character or appearance of the surrounding area or the amenities of neighbouring occupiers and accords with Policies URB 3 Urban Design, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity, TRN 14 Cycle Parking and TRN 26 Car Parking Standards in the adopted Unitary Development Plan (July 2004).
- 9.3 It is considered that the proposal is acceptable with regard to all other material considerations including comments received in response to third party consultation.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) No development shall commence on site until details and samples of all facing materials (including their colour and texture) to be used on the building, and detailed drawings to a scale of 1:10 of all ornamental features and the ceremonial doors, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.
- (2) This permission shall be personal to the London Sival Kovil Trust in connection with its use of the building as a place of worship and shall not enure for the benefit of the land.
- (3) The building hereby permitted shall not be used other than between the hours of 07.30 am and 9.30 pm any day of the week.
- (4) No amplified sound system shall be used or generated which is audible outside the premises or within adjoining buildings.
- (5) Full written details, including relevant drawings and specifications of the proposed works of soundproofing against airborne and impact sound shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the soundproofing works have been implemented in accordance with the approved details. The soundproofing shall be retained permanently with the approved details.
- (6) No primary cooking from raw ingredients shall be carried out at the premises without the prior written consent of the local planning authority.
- (7) The building shall be used as a place of worship with ancillary store room, food preparation room and lobby and for no other purpose (including any other purpose in 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).

- (8) The finished internal floor level of the building shall be no lower than 8.66 metres AOD.

Reasons

- (1) B01R Facing Materials – New Buildings.
- (2) In granting this permission the local planning authority has had regard to the special circumstances of the case and has taken account in particular of the nature of the use and wishes to have the opportunity of exercising control over any subsequent use, in the event of the London Sivan Kovil Trust vacating the premises, in the light of any material considerations existing at the time.
- (3), (4), (5) (6)
To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (7) To ensure that any other use of the building would be suitable in this predominantly residential area and to protect the amenities of the occupiers of adjoining premises and the area generally.
- (8) To minimise the risk of flooding to the building and to comply with Policy ENV.PRO 14 Controlling Development in the Flood Plain in the adopted Unitary Development Plan (July 2004).

Informatives

- (1) Under the terms of the Water Resources Act 1991 and Thames Region Byelaws 1981, the prior written consent of the Environment Agency is required for any works proposed in, under, over or within 8 metres of the top of a bank of the River Quaggy.
- (2) Construction Code of Practice