

Item No. 6.1	Classification: OPEN	Date: 15 February 2012	Meeting Name: Camberwell Community Council
Report title:	Development Management planning application: Application 11-AP-4053 for: Full Planning Permission Address: UNIT 2 191-199 SOUTHAMPTON WAY LONDON SE5 7EJ Proposal: Use of premises as a place of worship (Use Class D1) and removal of two windows to ground floor front elevation.		
Ward(s) or groups affected:	Brunswick Park		
From:	Head of Development Management		
Application Start Date 12 December 2011		Application Expiry Date 6 February 2012	

RECOMMENDATION

- 1 Grant planning permission

BACKGROUND INFORMATION

Site location and description

- 2 The application relates to a vacant 2-storey unit on the northern side of Southampton Way, close to the junction with Peckham Grove. It was constructed as A1 (retail) or B1 (office space), measures 616sqm and has been vacant for over two years. There is a Tesco metro immediately adjoining the site, and flats above the Tesco. The premises backs onto South City Court, a residential development on Peckham Grove. There is a vehicular access from this road which serves South City Court and the rear of the application site.
- 3 The floor area is 616sqm. The application form indicates that there is no existing car parking associated with the building.
- 4 The site forms part of the urban density zone and an air quality management area and has a public transport accessibility level (PTAL) of 2 (low).

Details of proposal

- 5 Planning permission is sought to use the premises as a place of worship (Use Class D1), together with the removal / blocking up of two windows at ground floor level to the front elevation. It would be used by the Jehovah's Witness church as a kingdom hall and the following details have been provided:

Pattern of use and congregation size

- 6 The applicant has explained in supporting documentation that there are two floors to the building, and that there would typically be two services held more or less concurrently at a time, with one congregation per floor.
- 7 They state in letter dated 24/1/2012 that average attendances per congregation for similar Kingdom Halls, such as at 1A Scylla Rd, are around 70 - 90, so as two services are running at a time, average attendances across the building as a whole would be around 140 - 180. There would be additional meetings of the trustees and occasional smaller seminars and instruction forums, but these would be during normal working hours in the midweek period. They expect that the Southampton Way facility would be used in a similar manner.
- 8 Also, one day a year around Easter time there is an annual memorial congregation with attendance typically double that of a normal meeting. At this time therefore there could be up to 150-175 attendees per congregation per service, so up to 350 people.
- 9 The applicant states that many Kingdom Halls, whilst able to accommodate normal attendances, are unable to cater for twice that number either because the buildings are not large enough or because Local Planning Authorities control this by way of appropriate conditions. In these circumstances it is necessary to hire a hall elsewhere.

Hours of use

- 10 The application form states that opening hours are not known. However, a further statement submitted by letter dated 23/1/2012 sets out expected service times as follows:
- Mon - not open
 - Tue, Wed, Thur - 1900 - 2115 (building closed by 2200)
 - Fri and Sat - not open
 - Sunday - 0930 - 1145, 1330 - 1545, 1630 - 1845 (building closed by 1930)
- 11 The applicant has explained by letter dated 24/1/2012 that attendees sometimes arrive around half an hour in advance, but tend to leave soon after the service.
- 12 Typically meeting would be during the evenings and at weekends, although the premises would be available during daytime hours for occasional small seminars and instruction groups.

Management plan

- 13 The applicant's letter dated 23/1/2012 sets out information in relation to a Management Plan. The key measures are as follows:
- It is standard practice for all meetings of Jehovah's Witnesses to be controlled by teams of attendants.
 - At this site, the intention would be for two attendants to be stationed in the foyer before and after meetings. One of their responsibilities would be to remind congregants to respect the privacy of neighbouring residents on the way in and out of the property.
 - Notices to this effect would be placed within the foyer and other suitable spots. Time would be allocated each month to remind all attendees of their personal responsibility in this area.
 - The need to respect neighbour's privacy would also be incorporated in the concluding of announcements each week.

Parking/servicing

- 14 No off-street parking is proposed, although the applicant has stated that the owner of

the site would grant access rights to use the rear of the site to drop off and collect the elderly, people with disabilities and children.

- 15 Refuse/recyclables would be stored in the existing shared bin store.

Differences between this application and the previous refused scheme

- 16
- Noise Impact Assessment submitted
 - Travel Plan submitted
 - Transport Assessment submitted
 - Further information received by letters dated 23/1/2012 and 24/1/2012 with information to amplify the above noise impact assessment
- 17 The further information addresses matters including those set out below.
- 18 Noise Impact Assessment - sets out information from the applicant's environmental protection consultant to address the second reason for the council's refusal, being the impacts on amenity of large numbers of people arriving and leaving the premises. It sets out information on assessment of existing background noise levels at the application site. It also sets out data on background noise levels and measured noise levels before, during and after services at the Kingdom Hall at 1A Scylla Rd in Peckham, which is a two storey hall that operates with two congregations, one on each floor, as is proposed at the application site. It then draws conclusions based on superimposing the measured noise levels at Scylla Rd, on the background noise levels at Southampton Way, to give a view on the expected impacts of the proposed use.
- 19 The applicant's NIA sets out the following recommendation on conditions that could be imposed if the LPA still has concerns over the external noise from congregation member activity (relates to reason 1 of the refusal)
- Hours of use condition – to allay fears of local residents that the activity would operate into the night time period from 2300 – 0700.
 - Noise Management / Action Plan, and example of which was appended in Appendix D and a draft bespoke management plan is outlined as Appendix E.
 - Position of entrance door further away from residents (however officers note that the submitted plans are the same as the appeal scheme, namely the doors to the first floor congregational area are to the west of the building next to the Tesco, and the entrance doors to the ground floor congregational area are to the east side of the building furthest away from adjoining residents).
 - Personal permission should be sought and not a general use class change to D1, to ensure that the premises are used only by Jehovah's Witnesses so that other activities within use class D1 such as father groups that might generate higher noise levels e.g. with live music can not take over the premises at a later date unless they apply for planning permission
 - Sound insulation – if a personal permission is applied then the sound insulation should be related to typical noise levels generated specifically by Jehovah's Witnesses not any other religious activity as other forms of worship may include live music
- 20 The draft management plan in Appendix E contains the following measures:
- At least two attendants (per congregation) to be stationed on duty 20 mins prior to meetings, during meetings and 20 minutes after meetings finish to ensure the following:
 - That only the proper entry/exit doors are used
 - To remind congregants to respect the privacy of neighbouring residents on the way in and out of the property, and to ensure that children and appropriately supervised.

- That external doors are not left open during services
- In addition, Notices to this effect of reminding people to leave quietly would be placed within the foyer and other suitable spots.
- Time would be allocated each month to remind all attendees of their personal responsibility in this area.
- The need to respect neighbour's privacy would also be incorporated in the concluding of announcements each week.
- Copy of noise management plan would be held on site at all times and attendants made fully aware of its contents and their responsibilities.

21 The letters 23/1/2012 and 24/1/2012 likewise set out measures that amplify the noise impact assessment's recommendations. Proposed mitigation includes the following (this repeats some of the above information):

- Condition requiring details of a management plan to be submitted to and approved by the local planning authority prior to occupation - the applicant suggests measures such as attendants at meetings reminding people to leave quietly, notices etc and announcements at end of service to this effect)
- Condition to restrict hours of operation, and in this regard the likely hours of use are set out as follows: (Mon - not open; Tue, Wed, Thur - 1900 - 2115 (building closed by 2200); Fri and Sat - not open; Sunday - 0930 - 1145, 1330 - 1545, 1630 - 1845 (building closed by 1930)
- Information on occupancy - in this regard more information on numbers is given. The applicant states that at Scylla Rd, a comparable venue to this proposal, the average is 70-90 per congregation per floor (two services run concurrently so between 14-180 people at any one time). Evidently larger events at peak capacity are infrequent (e.g. annual memorial service at Easter - the applicant says in other areas a separate hall is often hired out as LPA conditions preclude such large numbers.
- Condition requiring details of sound insulation at any interface with a sensitive use such as a residential party wall to be submitted to and approved by the local planning authority prior to occupation

Planning history

22 11AP1807 for Use of premises as a place of worship (Use Class D1) and removal of two windows to ground floor front elevation was refused 22/8/2011 for the following reasons:

1. The proposed development, owing to the potential for large numbers of people to congregate outside the building in close proximity to a number of dwellings and at evenings and weekends when the area would generally be quieter, would result in an unacceptable level of noise and disturbance to neighbouring occupiers, contrary to saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy 2011.

2. In the absence of a transport assessment detailing how people would travel to and from the site and given the limited availability of public transport in close proximity to the site, it is considered that the proposal would increase demand for on-street parking in the area, to the detriment of existing occupiers and contrary to saved policies 3.2 'Protection of Amenity' 5.2 'Transport Impacts' and 5.6 'Car parking' of The Southwark Plan UDP (2007) and strategic policy 2 'Sustainable transport' of the Core Strategy (2011).

- 23 This refusal is subject to an appeal to the Planning Inspectorate (PI reference App/A5840/A/11/21666/09/NWF). The appeal is being dealt with by written representations. The Council's Statement of case was due 31/1/2012, and final comments from both parties are due by 21/2/2012. The Inspector's site visit will be scheduled for a date after the final comments are due, and a determination should follow shortly after that.
- 24 The further information that was submitted with the current application was also submitted as further information to supplement the appeal that was lodged by the applicant in relation to the recently refused scheme. In responding to the appeal, officers have been obliged to comment on the further information and indicate what view they would have taken on the application had they been in possession of the further information.
- 25 Having regard to the appellant's grounds of appeal including reference to the additional information submitted which had not been previously seen by the Council, and which was also submitted as part of application 11AP4053, the statement outlined that the proposal, as amended by the further information, is considered to be in accordance with the Development Plan. The Council, having taken a balanced view of all material planning considerations, considers that the scheme as amended by the further information would be acceptable, as the outstanding planning concerns could be addressed by way of conditions.
- 26 The statement does advise that a determination has not been made on the current application, and notes that the council's delegation manual provides that applications that are recommended for approval, but which have three or more objections, (as in this case) fall to be determined by the relevant Community Council Planning meeting, being in this case the Camberwell Community Council.
- 27 The statement advises that this application 11AP4053 has not been determined by the Camberwell Community Council, so a determination has not been made on the scheme, and notes that the Community Council may not agree with the recommendation to grant permission.
- 28 02-AP-2008 - Demolition of existing building. Erection of part 3, part 6 and part 7 storey building retail and office units on ground and part 1st floor with 33 flats above with parking facilities at rear-access from Peckham Grove. Planning permission was granted in April 2005

Planning history of adjoining sites

Tesco metro (unit 1)

- 29 Various applications for shopfront alterations, advertisement consent, installation of an ATM and refrigeration equipment. None relevant to this application.

South City Court, 52 Peckham Grove

- 30 11-AP-1139 - Variation of condition 10 ('approved plans') which was added by non-material amendment reference: 11-AP-0551) of permission reference 06-AP-0796 dated 8th February 2010 for 'Change of use of the ground floor from vacant commercial units into 15 self-contained flats; provision of 6 additional car parking spaces (to create 24 spaces in total)' to allow the following minor material amendments:

- Removal of a private 1-bedroom flat (reducing the total number of flats on the site to 14);
- Retention of existing water tank;
- Retention of existing substations;

- Relocation of refuse store;
- Relocation of cycle parking;
- Provision of two additional parking spaces (to provide 26 in total);
- New door to rear of building serving flat 4;
- Provision of solar panels to roof.

Application UNDER CONSIDERATION.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) principle
- b) amenity;
- c) transport;
- d) design

Planning policy

Core Strategy 2011

- 32 Strategic policy 1 - Sustainable development
 Strategic policy 2 - Sustainable transport
 Strategic policy 4 - Places to learn and enjoy
 Strategic policy 10 - Jobs and businesses
 Strategic policy 12 - Design and conservation
 Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 33 1.4 - Employment sites outside the preferred office locations and preferred industrial locations
 1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages
 2.2 - Provision of new community uses
 3.2 - Protection of amenity
 3.7 - Waste reduction
 3.11 - Efficient use of land
 3.12 - Quality in design
 3.13 - Urban design
 3.14 - Designing out crime
 5.2 - Transport impacts
 5.3 - Walking and cycling
 5.6 - Car parking

London Plan 2011

- 34 Policy 3.16 - Protection and enhancement of social infrastructure
 Policy 6.3 - Assessing effects of development on transport capacity
 Policy 6.9 - Cycling
 Policy 6.10 - Walking

Policy 6.13 - Parking
Policy 7.4 - Local character

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

35 PP13 - Transport

36 Draft National Planning Policy Framework (NPPF) 2011

The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Principle of development

37 The planning permission for the wider development enables the application site to be used for A1 (retail) or B1 (office) purposes. Saved policy 1.4 of the Southwark Plan seeks to protect B class uses in certain locations, including on classified roads such as Southampton Way, and saved policy 1.10 seeks to protect existing A class uses outside of town and local centres and protected frontages. However, the premises has not been occupied since it was built, and there is no planning condition or obligation requiring it to be used, therefore there would no loss of retail or office space in this instance as they have never existed on the site. As such there would be no conflict with saved policies 1.4 or 1.10 of the Southwark Plan.

38 Saved policy 2.2 Provision of new community facilities' states that permission will be granted for new facilities provided that:

i) Provision is made to enable the facility to be used by all members of the community;

39 The building would be used as a place of worship, to be used as a Jehovah's Witness Kingdom Hall. It would be available to all members of the community should they wish to join. Concerns were raised in relation to the previous application that the proposed use would not be inclusive of all members of the community, but the supporting text to policy 2.3 specifically refers to places of worship. Many community uses, a youth centre or elderly persons centre for example, would only be available to a certain section of the community, therefore no objections on these grounds are raised in land use terms.

40 Concerns were raised in relation to the previous application, and reiterated in relation to this application, that there is an over-provision of places of worship in the vicinity. In addition some objectors considered that as there were other Kingdom Halls nearby such as at 1a Scylla Rd, there should be no need for this facility here. Whilst it may well be that there are many other such uses, clearly the Jehovah's Witness church considers that it has a need for a premises in this area, hence this application. The applicant has set out for example in their Planning Statement that once a congregation in one location becomes too large for effective pastoral care, another congregation is formed. The applicant has outlined that a view has been taken that the surrounding facilities are at capacity and therefore a new facility in this location is now proposed having had regard to the geographic location of members of the

congregations.

and

ii) The facility is not detrimental to the amenity of present and future occupiers of the surrounding area in compliance with policies 3.2 and 5.2;

41 Refer to the amenity section of this report below; *and*

iii) Where developments will generate more than 20 vehicle trips at any one time a transport assessment will be required in compliance with policies 3.3 and 5.2.

42 Refer to the transport section of this report below, where it is concluded that there remains an objection to the scheme in relation to transport impacts on the basis of the information to hand at the time that the application was determined. However, on the basis of the further information submitted on appeal, the council considers that subject to conditions if consent is granted, the transport impacts can be mitigated.

43 There are no objections to the provision of a place of worship in land use terms. There is no policy protection for the office or retail space given that the premises has never been used as such. Officers accept this principle, but are of the view that any proposed use for a particular site should comply with the provisions of the Development Plan and in particular saved policy 2.2 in relation to community facilities of the Southwark Plan 2007 and policies on amenity and transport impacts.

44 A number of objections have been received on the grounds that the appeal site would be used to greater benefit of the local community for retail or other high street type use. However each proposed use must be assessed on its merits, and regardless of whether there might be a 'better' use of the site, the one that is proposed must fall or be accepted on its merits and by reference to the Development Plan. In this case officers do not consider that there is planning policy justification for a view that the site should be 'saved' for a better or preferable retail or commercial use. The Development Plan does however provide that an application for a place of worship should be assessed according to certain criteria. In this instance, officers consider that the harm by way of transport impacts and harm to amenity, in relation to the scheme as amended, would not be such as to justify refusal.

45 Officers have had regard to saved policy 3.11 Efficient use of land of the Southwark Plan 2007, which states that developments should ensure that they maximise the efficient use of land whilst, (amongst other criteria)

i) protecting the amenity of neighbouring occupiers or users

v) making adequate provision for servicing, circulation and access to, from and through the site, and

vi) ensuring that the scale of development is appropriate to the availability of public transport and other infrastructure.

46 The policy adds that the LPA will not grant permission for development that is considered to be an unjustified underdevelopment or over development of a site.

47 As set out under the amenity and transport sections of this report below, officers consider that subject to conditions, the impacts of the scheme would be mitigated such that the amenity of neighbouring occupiers would be protected, and that the applicant has demonstrated by way of their transport assessment and the travel plan that the scale of development is appropriate to the availability of public transport and other infrastructure, including consideration of parking impacts. The scheme would therefore be an efficient use of land in accordance with saved policy 3.11.

48 The applicant has referred to Paragraph 19 of the Draft NPPF which states that 'a set of core land-use planning principles should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities, including planning policies and decisions should enable the reuse of existing resources, such as through the conversion of existing buildings'.

49 As stated above, the draft NPPF is set out as a clear and current Government objective (and accordingly should attract significant weight) and to the extent that the scheme would involve the re-use of existing premises which have been vacant for three years, the proposal is consistent with that part of the draft NPPF which the appellant has referred to.

Environmental impact assessment

50 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

51 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; strategic policy 13 of the Core Strategy requires development to meet the highest possible environmental standards, and to avoid amenity and environmental problems that affect how people enjoy the environment in which they live and work.

52 The main issues in relation to amenity are in terms of noise and are considered to be as follows:

- noise emanating from the building as a result of services including preaching, music, amplified sound and so on, especially if the building is not adequately sound-insulated

- more generalised noise and disturbance from people arriving and leaving and in particular people congregating outside the premises, and as a result of additional traffic generated by the proposed use. Some objectors are concerned that the area is already noisy, and this scheme would exacerbate this, especially if the scheme operates with late nights or antisocial hours.

53 In relation to the former issue, several objections have been received which refer to the unsuitability of the building for a place of worship. Some objectors have stated that there are flats directly above that would be affected, and many have stated that they consider that noise from signing, music and worshipping would be untenable.

54 In response officers agree that there are flats above and to the side in close proximity which could potentially be affected by noise breakout from within the premises. However, the view on the previous application was that measures such as sound insulation of the application premises could be secured by way of conditions to mitigate impacts of noise breakout from the building. This matter therefore was not a grounds for refusal as it could be addressed by condition if all other aspects were

satisfied.

55 In addition, the issue of noise breakout from the use of the building itself did not however form part of the reasons for the previous scheme being refused. The reason for refusal was confined to,

' The proposed development, owing to the potential for large numbers of people to congregate outside the building in close proximity to a number of dwellings and at evenings and weekends when the area would generally be quieter, would result in an unacceptable level of noise and disturbance to neighbouring occupiers'.

In the absence of any material change to the scheme from that which was previously considered in relation to this matter, such as information which would indicate that the use would be carried out or occupied differently to what was previously considered, it would be unreasonable to now refuse the scheme for a different reason.

56 Objections from third parties were also raised in relation to the second matter (ie the reason for the refusal of the last scheme), being the potential for noise generated by people coming and going from the proposed use and congregating outside the premises, with concern that this could be at weekends/evenings and anti-social hours, resulting in unacceptable level of noise and disturbance to neighbouring occupiers.

57 On this matter, in relation to the previous scheme, officers had considered that the very close proximity to residential premises, i.e. within the same block, together with the limited public transport facilities in this area (which is considered further below), would result in an unacceptable loss of amenity to neighbouring occupiers. No details of opening hours were then provided, save that it would be unlikely that the building would be in use after 10pm. However, it was clear that meetings would typically be held during the evenings and at weekends, when arguably residents are more likely to be at home and when the area would be expected to be quieter. Although Southampton Way is a main road, it is not located in a town centre and is not very well served by public transport, and it is considered that large numbers of people congregating outside the building at the same time, and at times during which residents may expect the area to be quieter following peak traffic hours, would result in an unacceptable loss of amenity to neighbouring occupiers by reason of noise and disturbance, contrary to saved policy 3.2 and 2.3 (ii) of the Southwark Plan. Given the lack of information to allay these fears, the application was refused.

58 However, the further information submitted with the appeal and as part of this subsequent application 11AP4053, enables officers to better evaluate the amenity reason for refusal. As addressed in more detail below, the further information indicates that the scheme would not be likely to result in large numbers of people congregating outside the building, nor such as to result in an unacceptable level of noise and disturbance, subject to conditions of consent that would mitigate any impacts.

59 The council's environmental protection team have reviewed the submitted NIA. They have scrutinised the methodology of the assessment, and their views are set out below. Some residents have objected that the NIA is flawed because it does not address noise levels at the rear of the building. In response officers consider that it was valid to measure levels on the street frontage of the building, on Southampton way, because this is where the entrances to the building are and is where people would exit from. If people are gathering outside the premises, it is reasonable to assume that they would gather outside the entrance/exits, which is where the appellants' measurements were taken from.

60 The applicant has made a comparison of the proposed use with that of a two storey Kingdom Hall at 1A Scylla Rd in Peckham which is also close to residential properties.

The applicant has stated that the Scylla Rd usage would be similar to that proposed at the application site. Officers consider that this is a valid comparison because the building is also comprised of two storeys, with two congregations operating at once (one on each floor), and the size of each congregation is similar to the size of the congregations proposed for Southampton Way. In addition two of the existing congregations from Scylla Rd would move to Southampton way if consent were to be granted. The hours of use are also similar.

61 Officers have visited the Scylla Rd site when there was a service. Officers consider that although the Scylla Rd site potentially has a noisier background context as there are more buses along adjoining Rye Lane than would be typical for Southampton Way, the differences are not so great that the comparison is unjustified.

62 The Scylla Rd building has a long established use as a Kingdom hall. Building control records indicate that it there was an application to rebuild a place of worship at this site in 1990. Officers can confirm that there do not appear to be any enforcement complaints in relation to its use.

63 The methodology to test noise levels used by the applicant is set out as follows. The applicant's NIA explains that background and ambient noise levels on Southampton way outside the appeal premises were measured. The applicant then measured noise levels from a Sunday morning service when two congregations of around 100 members each were using the Kingdom Hall at 1a Scylla Rd. The resulting noise levels from Scylla Rd usage were then superimposed on the ambient and background levels measured at Southampton Way at an equivalent time.

64 There is a technical issue here which officers wish to raise. 'Ambient' noise readings include all measured noise (LAeq). 'background' levels measure the ambient level, minus the top 10% of the measured noise, which results in the noisiest events being filtered out - the events which are considered to be atypical; and therefore background levels are the more typical and represents a quieter baseline. The appellant, in their analysis/conclusions, has superimposed the Scylla Rd readings on the Southampton Way ambient readings (not the background readings). Officers consider that the background readings are the most appropriate baseline to use. Officers have therefore compared the measured readings at Scylla Rd with the background readings (i.e. quieter baseline) at Scylla Rd (Figure 4 of the appellant's NIA) .

65 It is observed that there was a 10dB difference for a period of 5 minutes between the measured levels and the background levels. Having regard to noise assessments for which objective comparisons are considered to be applicable, such as in relation to noise from plant and machinery, industry standards say that if there is a 10dB difference between measured and background levels, complaints are likely. However, this industry standard does not apply to noise such as from people, but a comparison can nonetheless be drawn.

66 Officers recognise (by reference to Figure 7 of the NIA) that for a period of 5 minutes there was a 10dB difference. However, for most of the assessed time, the difference was less than 10dB. Officers consider that there are clear differences between noise from plant and machinery, which would be ongoing and constant, and noise from people speaking/shouting and so on, which as the survey indicates, was intermittent and at a raised level for only a short period of time.

67 Officers therefore considers that the noise from people gathering after the meeting after leaving the services could not be said to be an 'unacceptable level of noise and disturbance' because the difference between background and actual noise was raised by 10dB for only a short period of time, and was therefore below a level that could be likely to result in complaints for most of the time. As the proposed use would not

operate during anti-social times during evenings and weekends, officers consider that any noise would be contained to reasonable levels, especially taking into account the proposed management plan, details of which are set out below.

- 68 The noise impact assessment includes qualitative data, as well as the quantitative data obtained by noise measurements. For example, the noise impact reports has advised that observations of a number of Kingdom Halls demonstrates that the main conversing and socialising occurs within the Hall building before and after the meetings and that often members of the congregation that are talking outside are doing so while leaving and that such conversations are generally short and/or quiet in nature. During the survey, groups did form on the pavement outside the Kingdom hall. One group, for example, started at 12.04pm, getting up to a maximum of 25 adults and five children, although the group was quite dynamic with people joining and leaving such that overall numbers were generally fewer than this. For example, the group started off as being 3-4 people, changing to 6 a few minutes later, with some leaving and some arriving soon after to bring the total to 13 and again with some leaving and others joining the size grew to 30, but after a couple of minutes was down to 8 people, and by 12.21 (17 minutes after the group first formed), there was no one congregating.

The comparative quantitative and qualitative data was drawn from the Scylla Rd Kingdom Hall nearby therefore demonstrates that large numbers of people do not tend to congregate outside, as people tend to disperse steadily in small groups or as individuals; and thirdly that of the groups which do form for short periods of time (the date suggests that this is for less than 20 minutes and not in large numbers for all of that time), and the noise levels could not be considered to be so loud as to be described as unacceptable (generally less than 10dB louder than the background noise level).

- 69 The conditions recommended in the applicant's NIA would, in the opinion of officers, serve to do two things. Firstly, the suggested conditions would directly address the council's amenity reason for refusing the appeal scheme. They refer for example to a management plan. The example management plan, as highlighted in Appendix D, would set in place measures by which (amongst other things) people attending the services at the Kingdom Hall would be discouraged from congregating outside the premises, and to encourage them to leave quietly. This directly addresses the council's reason for refusal which was in relation to the potential for large numbers of people to congregate outside the premises. In addition, the measured noise levels from Scylla Rd, superimposed on background levels at Southampton Way, indicate that any noise levels generated would be unlikely to be considered to be 'unacceptable' as the difference between measured and background levels was generally below 10dB difference' as outlined above.
- 70 The applicant's suggested hours of use condition would also address the concerns of some objectors about the use of the building at anti-social hours, by preventing late night use (i.e. after 10pm), when noise would be less likely to be acceptable. In the opinion of officers this addresses that part of the reason for refusal which refers to avoidance of 'unacceptable levels of noise and disturbance' whereby noise after 10pm is likely to be heard more acutely than noise of a similar objective level earlier in the evening, as background levels would be likely to be quieter and people more likely to be sleeping.
- 71 In addition measures that are suggested such as sound insulation of the appeal premises were considered at application stage to be acceptable to mitigate impacts of noise breakout from the building, and this matter therefore was not a grounds for refusal as it could be addressed by condition if all other aspects were satisfied.

- 72 The applicant's suggestion of a personal permission is also considered to be a valid mitigating consideration. The original application did not contain the sort of information about the nature of the services, the behaviours of typical congregations elsewhere, or how the departure of congregations would be managed to avoid the sorts of potential harm, the basis of which the council refused the scheme on. However, the further information that was submitted on appeal and with this application gives officers confidence that under the management of the applicant, the impacts of the use would not be such as to harm the amenities of surrounding occupiers, whereas a general D1 permission could potentially give rise to the sorts of impacts that objectors were concerned about with regard to noise and disturbance.
- 73 The NIA suggests that the entrances to the building should be placed at the edge of the building furthest from residential properties. The entrance to the first floor would be next to the Tesco, i.e. closest to flats adjoining. However the location of the lobby and stairs in the existing building are considered to be likely to preclude moving this entrance. The entrance to the ground floor would be further away, at the other end of the building. As the two congregations would have separate entrances, one of which is sited furthest from adjoining flats, this aspect is considered acceptable.
- 74 Overall, officers consider that the NIA submitted with the appeal and the second application adequately substantiates the applicant's claims that the scheme would not give rise to the potential for large numbers of people to congregate outside the premises resulting in unacceptable levels of noise and disturbance. Firstly, the hours proposed in the NIA suggested conditions are not anti-social hours when noise sensitivities are likely to be more acute. The council's environmental protection team were satisfied with the methodology of the noise survey that was carried out and its application to the Southampton Way site, but recommended that if consent were granted on the basis of the NIA that consent should be conditional on the recommendations contained in the NIA. For these reasons officers consider that the first reason for refusal was addressed by the further information submitted on appeal and in the second application 11ap4053.
- 75 Officers have considered the question of whether a condition limiting the number of people permitted to be in the premises should be imposed if consent is granted. The applicant has outlined in a letter dated 24/1/2012 that average attendances per congregation for similar Kingdom Halls, such as at 1A Scylla Rd, are around 70 - 90, so as two services are running at a time, average attendances across the building as a whole would be around 140 - 180. There would be additional meetings of the trustees and occasional smaller seminars and instruction forums, but these would be during normal working hours in the midweek period. Also, one day a year around Easter time there is an annual memorial congregation with attendance typically double that of a normal meeting. At this time therefore there could be up to 150-175 attendees per congregation per service, so up to 350 people. They expect that the Southampton Way facility would be used in a similar manner. In theory then if the effects of the scheme were found to be acceptable based on a particular assessed number, a condition on capacity could be imposed.
- 76 Officers have considered the tests set out in Circular 11/95 on Planning Conditions. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in the circular. In brief, these explain that conditions should be:
- i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;

iv. enforceable;

v. precise; and

vi. reasonable in all other respects.

77 Officers consider that a condition limiting the occupancy of premises such as a place of worship would be difficult to enforce in practice. This is because unlike a use such as a nightclub, where fire and safety regulations would require the facility itself to keep a clear count of persons admitted, a church is unlikely to keep a tally at the door of people entering. It would be unreasonable to expect planning enforcement officers to be stationed at the site at regular intervals to check numbers. For this reason, officers consider that a view needs to be taken on whether the scheme is acceptable based on the 'worst case scenario' or maximum capacity projected by the applicant, and to either grant consent or refuse it on this basis, rather than seeking to impose a limit which might be somewhere between the average and the maximum congregational sizes projected by the applicant. Conditions have been recommended to secure a noise management plan and sound insulation of the building. Officers consider that these conditions would be adequate to address the impacts of the use of the building regardless of whether it is used to peak capacity, especially if the management plan confirms the arrangements set out at Part 4 of this statement in relation to normal capacity, usage outside of services, and the management plan.

78 One objector has raised concerns that air conditioning units would be required which would add to the noise from the activity. Officers advise that air conditioning units do not form a part of the proposal and that under the current planning regulations, separate planning permission would be needed if any were proposed externally. If any future application came forward for air conditioning units they would be assessed on their merits with due regard to representations made in reasons to statutory consultation.

The applicant has pointed to a number of recent appeal decisions in relation to similar uses. The most relevant is the appeal against the Council's refusal of planning permission for an unauthorized place of worship at the Gala Bingo hall in Camberwell (APP/A5840/C/11/2147398). In the delegated report for the decision which was the subject of the appeal, it was concluded that crowd noise could not be qualified or measured. However in that case, rather than this constituting a reason for refusal, the report stated that if the scheme were approved, a condition should be imposed requiring a management plan to be implemented and periodically reviewed. On appeal, the Inspector said that, 'In the absence of any technical evidence that contradicts the findings of the applicant's professional advisers on matters of noise, I have no reason to conclude that the church or other Class D1 users need impact to an unacceptably adverse degree on the living conditions or general amenity of neighbouring occupiers'.

The appeal was dismissed, but it was on the basis of transport impacts, and not on amenity, for the reason outlined by the Inspector above. Officers consider that this case is relevant to consideration of the Southampton Way application, as the council's technical officers in Environmental Protection have found no reason to dispute the applicant's findings in relation to their noise assessment.

79 If consent is granted then conditions should be imposed as outlined above. Subject to conditions, officers are satisfied that the scheme would not result in an unacceptable loss of amenity to neighbouring occupiers by reason of noise and disturbance, in accordance with saved policies 3.2 and 2.2 (ii) of the Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 80 None as the surrounding land uses are mainly residential in character and therefore would not have any harmful impact on the proposed use.

Traffic issues

- 81 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highways conditions; strategic policy 2 of the Core Strategy seeks to encourage sustainable modes of transport as an alternative to the private car.
- 82 The site has a public transport accessibility level (PTAL) of 2 (low) reflecting the area's poor level of access to public transport, with the only bus route being the 343 which has a bus stop opposite the site. The site is not located in a controlled parking zone (CPZ) and there are double yellow lines on both sides of Southampton Way and on-street cycle lanes.
- 83 The council had considered that in relation to the original scheme, in the absence of a transport assessment detailing how people would travel to and from the site and given the limited availability of public transport in close proximity to the site, it is considered that the proposal would increase demand for on-street parking in the area, to the detriment of existing occupiers. Given the lack of information to allay these fears, the application was refused, in addition to the amenity issues outlined above.
- 84 However, the further information submitted with the recent appeal and as part of this subsequent application 11AP4053, enables the council to better assess what the transport impacts would be, and therefore enables consideration of whether conditions could be imposed that would mitigate any of the impacts. In particular more information has been provided in relation to parking survey and modal split, such that officers now take the view that conditions of consent could mitigate the impacts in relation to this issue. Officer's views on the acceptability of the further information are set out below.
- 85 One of the main objections from surrounding residents was in relation to pressure on existing over-burdened parking on the surrounding streets, and the poor public transport availability in the area. A number of objectors have pointed to the location of the appeal site as being within the consultation area for a proposed CPZ, pointing to the fact that this indicates that the surrounding area is under parking pressure. The applicant undertook a parking survey which states that there is ample available on street parking spaces at peak times of operation (50+ spaces). The transport assessment also has a car occupancy level which has been used to calculate the level of trip generation.
- 86 The applicant has arrived at a car occupancy level of 1 person per vehicle, which in the opinion of the councils transport officers is a very worst case scenario, and in reality highly unlikely, for the congregation members that use private vehicles. The applicant has suggested that a 22% of the congregation would use private vehicles to access the site. Looking at appendix 5 of the Transport Assessment, the other surveyed sites (Scylla road, Coldharbour Lane and New cross Road) have a similar modal split (between 21 and 25% on Sundays). Officers consider that these figures fortify the assessment that 22% of the congregation at Southampton Way would use private vehicles. The 22% modal split toward private vehicle users constitutes 31 vehicles using the very worst case scenario car occupancy level.
- 87 The applicant has used existing kingdom halls in local and comparable areas to generate realistic modal split for the proposed change of use, and a worst case

scenario car occupancy level which would be highly unlikely has also been submitted to ascertain the impact of the development on the surrounding highway network. Coupling the worst case scenario car occupancy with the results of the parking survey shows that at peak times of operation there is a significant level of on street parking available on the surrounding highway network.

- 88 As stated by a number of objectors, a CPZ has been proposed for the surrounding area. However the CPZ's operation times, being Monday to Friday 8am to 6pm, would not correlate with the proposed change of use peak times of operation, which would be weekends and evenings. Therefore, even if the CPZ were in operation, the on street parking situation would be unlikely to differ from that which would be currently experienced.
- 89 Some objections were received in relation to under-supply of cycle parking, and concerns that the scheme would rely on private cycle parking at the rear of the site which would not be accessible to the applicant. For D1 use the Southwark plan 2007 does not set out exact details of the levels of cycle parking required. However officers had recommended to the applicant at pre application stage that they look at the levels of existing cycle usage associated with the applicant's current sites and replicate that level of cycle parking provision at full application stage. Although cycle storage has been shown on the ground floor plan, the shown storage appears to be allocated for the existing residential uses. Nonetheless, it is likely that cycle storage could be provided within the foyer areas at ground floor level. Given the relatively low amount of cycle parking assessed by the applicant's modal split survey (Appendix 5 of the Transport Assessment Rev D Oct 2011) whereby a maximum of 3 people cycled, the likely demand for cycle parking could be met within the building, or on the 5 cycle stands outside on Southampton Way. For this reason, the lack of cycle storage indicated on the plans with application is not considered to warrant a reason for refusal. Details of cycle provision could be secured by way of a condition if consent were granted.
- 90 Objections received in relation to where waste would be stored are not considered to warrant grounds of refusal for this reason, as provision would have been made for the originally consented commercial uses, and in relation to servicing and refuse vehicle access, the proposed change of use represents a significant de-intensification of use when compared with the consented A1/B1 use.
- 91 Overall, the further information submitted on appeal and as part of the subsequent application 11AP4053 has reassured officers that the proposed change of use would not impact negatively on the performance and safety of the surrounding highway network. The credibility of the information submitted in relation to low levels of car occupancy and modal split is accepted as it has been based on surveyed information in relation to existing Kingdom hall congregations at similar premises nearby and the characteristics of the Kingdom halls operation, opening up new places of worship where there is the need so that they are local to their worshippers. Officers are concerned however that other D1 uses may not operate in the same way and may be likely to generate the same uncertainty as was found in relation to the original scheme, where adequate information was simply not provided, or may attract significantly higher levels of trip generation and parking stress at peak times of usage. Therefore if the consent is granted, officers recommend that permission be made personal to the applicant.
- 92 Objections were received raising concerns that the applicant has relied for car and cycle parking provision on the land at the rear, comprising the car park associated with South City Court at 52 Peckham Grove. They consider that this would place an unacceptable additional parking burden in a private car parking area that is already in high demand by residents, that it would not be practical as the car park has an access

control system which casual users could not access, and that the management company for South City Court have not agreed to such use. Officers accept that the arrangement would be unlikely to be practical, (if the management agent were to agree that the spaces could be used), and have not relied on any parking at the rear to mitigate the overall parking demands.

- 93 For the reasons outlined above, it is considered that the proposed use would be comply with saved policies 2.2 (iii) New community facilities, 5.2 Transport impacts and 5.6 Car parking of the Southwark Plan 2007 and strategic policy sustainable transport of the Core Strategy 2011.

Design issues

- 94 Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments achieve a high standard of architectural and urban design; strategic policy 12 of the Core Strategy seeks to achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.
- 95 Concerns have been raised in objections to the scheme that the proposed infilling of windows at the front of the unit, ground floor level would be out of keeping with the appearance of the Southampton Way streetscape.
- 96 Inactive frontages such as that proposed are generally discouraged but it is not considered that the proposed blocking up of the windows to this building which is at the end of the terrace, and which does not have residential uses above which would otherwise benefit from an active street frontage at ground floor level, would be so harmful to the visual amenities of the streetscene as to justify refusal. This matter was not raised as a reason for refusal of the previous scheme, and it is considered that it would be unreasonable to do so now.
- 97 The applicant has advised that, notwithstanding the foregoing, if this matter is considered to be of concern, they would be amenable to installation of obscure glass outer skin with white blockwork inner skin in place of the existing windows, which would presumably allow for a measure of soundproofing protection whilst also allowing the impression of glazed elevations to the ground floor. If consent were to be granted, details of this could be secured by way of a condition.

Impact on character and setting of a listed building and/or conservation area

- 98 None.

Impact on trees

- 99 None.

Planning obligations (S.106 undertaking or agreement)

- 100 None.

Sustainable development implications

- 101 Strategic policy 13 'High Environmental Standards' requires community facilities to achieve at least BREEAM 'very good'. No information has been submitted to demonstrate compliance with this standard, but the building is existing officers do not consider that it would be practicable to require evidence of the existing building being retrofitted to secure this measure.

Other matters

102 There are no other matters arising from the proposal.

Conclusion on planning issues

103 It is concluded that the scheme has overcome officer's concerns in relation to the previous refused application in relation to transport impacts, taking into account the further information that was submitted in relation to the transport statement and travel plan., subject to conditions to mitigate impacts in relation to transport. The application has demonstrated that the scheme would not result in large numbers of people congregating outside the premises and that there would not be an unacceptable level of noise generated, subject to conditions including adherence to a noise management plan and a personal permission in recognition of the specific manner in which the activity would operate. It is therefore recommended that planning permission be granted having regard to the policies considered and other material planning considerations.

Community impact statement

104 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.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as:

- impacts on people with a particular faith/religion

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are:

- consideration has been given to the particular impacts of the proposed faith group that would occupy the premises, as set out by the applicant in their supporting documentation, rather than applying a generalised view of how a place of worship might operate at this site

Consultations

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

Consultation replies

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

Summary of consultation responses

107 There were fifteen **objections** to the scheme. Issues raised are summarised as follows:

– inadequate public transport to accommodate existing demand let alone extra demand from this use

- inadequate spare car parking capacity in the surrounding area; the consultation on a CPZ is evidence of parking pressure
- Proposed use is inappropriate in a largely residential area with flats in close proximity
- the local community would benefit more from retail in this location
- There are already enough establishments in the local area for religious worship
- the application does not include agreement to the personal planning permission recommended by the applicant's noise impact assessment and contains no proviso that noise attenuation measures will be taken such as suggested conditions;
- with or without music 300-350 attendees will be too noisy for this location
- the proposed shared waste facilities are already full with residents waste
- concerns about any reliance for cycle and car parking or drop off using the private estates facilities at South City Court (which are already in demand/need by residents and which the management agent advises would not be leased to the applicant)
- windowless frontage is ugly/would result in safety issues with no lighting in this area and possible anti-social behaviour
- concerns about behaviour of street preachers
- impacts from the activity if building is not adequately sound proofed (eg from music, singing, percussion)
- noise from additional traffic and from people coming and going from services
- methodology of the noise impact assessment not valid – noise from one such facility can't be used to predict what would happen here and no sound measurements taken at rear of premises
- the area can already be noisy and this activity would worsen this
- concerns about possible hours of use and possibility of late night and anti-social hours
- Concerns about the nature of the use, with the application mentioning sole use as worship at weekends and evenings, but some references elsewhere to seminars and instructions groups; when would such use take place – must mean use during the daytime not just weekends for worship
- consultation ran over Christmas which is unfair as many people would away at this time

108 Twenty five representations in **support** of the scheme, with reasons summarised as follows:

- The writers live locally and would appreciate having this facility within walking distance
- The proposal would be good for the community
- This type of faith group meeting unlike some others does not have noisy services with amplified music running into unsociable hours
- The applicant's noise impact assessment contains measures for noise mitigation including management plan and personal permission
- People visiting the Kingdom Hall would have the benefit of providing more custom for local shops and cafes, as well as more people on the street engendering a greater sense of security in the area
- Better to have some use made of this unit than it remain vacant

Human rights implications

106 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.

107 This application has the legitimate aim of providing for a place of worship and external alterations to the front elevation. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

108 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2247-54 Application file: 11-AP-4053 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1137 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Becky Baker, Planning Officer	
Version	Final	
Dated	31 January 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to the Constitutional Team		6 February 2012

Consultation undertaken

Site notice date: 20/12/2011

Press notice date: Not required

Case officer site visit date: 20/12/2011

Neighbour consultation letters sent: 19/12/2011

Internal services consulted:

Transport
Environmental Protection Team

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

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185C SOUTHAMPTON WAY LONDON SE5 7EJ
185A SOUTHAMPTON WAY LONDON SE5 7EJ
185B SOUTHAMPTON WAY LONDON SE5 7EJ
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GROUND FLOOR FLAT 121 COLEMAN ROAD LONDON SE5 7TF
189C SOUTHAMPTON WAY LONDON SE5 7EJ
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211 SOUTH CITY COURT 52 PECKHAM GROVE LONDON SE15 6AN
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Re-consultation:

N/A

Consultation responses received

Internal services

Transport

Vehicle, Pedestrian & Disabled Access
<p>Pedestrian access to the development is from both Southampton Way and Peckham Grove.</p> <p>Existing and proposed vehicular access to the site is from Peckham Grove.</p> <p>The submitted plans do not show any alterations to the sites vehicular access from the highway.</p> <p>If there were to be any alterations to the developments access. Any new or altered access must have the approval of the Highways Authority, before construction. Please include the following informative:</p> <p>"The planning permission granted includes alterations and amendments to areas of the public highway, which will need to be funded by the developer. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. You are advised to contact the Principal Engineer, Infrastructure Group (020 7525 5509), at least 4 months prior to any works commencing on the public highway."</p>
Sightlines/Visibility Splays
Not applicable
Car, Cycle and Motorcycle Parking
<p><u>Cycle storage</u> Policy 5.3 (Cycle Storage) For the D1 use the Southwark plan has not exact details of the levels of cycle parking for this development however at pre application stage we suggested the applicants look at the levels of existing cycle usage associated with the applicant's current sites and replicate that level of cycle parking provision at full application stage. Although cycle storage has been shown on the ground floor plan, the shown storage is for the existing residential uses.</p> <p>The lack of cycle storage associated with the above application will not warrant a reason for refusal.</p> <p><u>Car Parking</u> Policy 5.6 (Car Parking) The above application is not located within a CPZ at present. The applicants have undertaken a parking survey which states that there is ample available on street parking spaces at peak times of operation (50+ spaces). The transport assessment also has a car occupancy level which has been used to calculate the level of trip generation.</p> <p>The applicants have arrived at an accidental car occupancy level of 1 person per vehicle (which is a very worst case scenario, and in reality highly unlikely) for the congregation members that use private vehicles. The applicants have suggested that a 22% of the congregation will use private vehicles to access the site. Looking at appendix 5 the other surveyed sites (Scylla road, Coldharbour Lane and New cross Road) have a similar modal split (between 21 and 25% on Sundays) these figure fortify the assessment that 22% of the congregation will use private vehicles. The 22% modal split toward private vehicle users constitutes 31 vehicles using the very worst case scenario car occupancy level.</p> <p>Coupling the worst case scenario car occupancy with the results of the parking survey shows that at peak times of operation there is a significant level of on street parking on the surrounding highway network.</p>

It is worth noting that a CPZ has been proposed for the surrounding area. however the CPZ's operation times do not correlate with the proposed change of use peak times of operation, there for the on street parking situation is unlikely to differ from that currently experienced.

Disabled parking

Not applicable to the above application.

Servicing and refuse vehicle access

The proposed change of use represents a significant de intensification of use when compared with the existing A1/B1 use.

Trip Generation/Highway impacts (if any)

The applicants have used existing kingdom hall in local and comparable areas to generate realistic modal split for the proposed change of use.

A worst case scenario car occupancy level which would be highly unlikely has also been submitted to ascertain the impact of the development on the surrounding highway network.

Travel Plan comments (if any)

A travel plan has been submitted

Further Comments

The information submitted assures the transport team that the proposed change of use will not impact negatively on the performance and safety of the surrounding highway network. The credibility of the displayed low levels of car occupancy and modal split is due to the nature of the Kingdom halls operation, opening up new places of worship were there is the need so that they are local to there worshipers. Other D1 uses may not operate this policy and are likely to generate significantly higher levels of trip generation and parking stress at peak times of usage. There for we would seek a personal permission to the applicants.

Transport DC have no objections to the above application, as there will be no significant negative impact on the performance and safety of the surrounding highway network, provided the permission is made personal.

Statutory and non-statutory organisations

None.

Neighbours and local groups

There were fifteen **objections** to the scheme, summarised as follows:

214 South City Court SE5 – objects on grounds that the scheme would harm the tranquillity and calm of South City Court; existing pressures on parking will be exacerbated by the scheme and buses will become even more crowded

214 South City Court SE5 – as above; and quality of life for residents would worsen and the area less attractive for prospective residents

405 South City Court SE5 – objects on grounds that if the scheme includes the use of car and cycle parking areas at the rear at South City Court this would affect both insurance as well as harm in relation to parking demand within this private car parking area where parking is designated for residents only;

- existing pressures on on-street parking will be exacerbated
- this type of business is very popular at the lower end of Walworth Rd where there is less built up residential property

204 South City Court SE5 (occupier) – Concerns about noise – the application does not include agreement to the personal planning permission recommended by the applicant's noise impact assessment and contains no proviso that noise attenuation measures will be taken such as suggested conditions;

- with or without music 300-350 attendees will be too noisy for this location
- the proposed shared waste facilities are already full with residents waste
- the transport statement refers to Southampton Way as a major bus corridor by the 343 is the only bus and is often already full; with no planned improvements in the area the scheme would worsen this situation
- if parking is proposed at the rear in the South City Court car park this is already full and in addition insurance premiums would soar in non residents used this private car park
- consultation ran over Christmas which is unfair as many people would away at this time

204 South City Court SE5 (owner) – Concerns about noise – the application does not include agreement to the personal planning permission recommended by the applicant's noise impact assessment and contains no proviso that noise attenuation measures will be taken such as suggested conditions;

- with or without music 300-350 attendees will be too noisy for this location
- the transport assessment refers to parking and drop off being available in the main car park at the rear which is a private gated estate for residents of that estate only so cannot be relied on, likewise the cycle parking, and the management agent there has confirmed no such allocation has or would be allowed
- the proposed shared waste facilities are already full with residents waste

Flat 401 South City Court SE5 – concerned that the application refers to car and cycle parking being provided at the rear in the South City Court car parking area, however the writer believes that firstly the landlord is not entitled to permit non-residents to park in that car park; secondly that the existing capacity of the car park is used up by existing residents with none to spare for third parties; thirdly that the access to those facilities is by secure access control only which third parties could not have access to

- reiterates objections to the first application even more strongly
- the applicant states that there is a comparable Kingdom Hall at 1a Scylla Rd about 2km away – in that case what is the need for this proposed facility if people are expected to walk up to 2km as set out in the transport assessment?
- Agrees with another objectors assessment that there are already enough places of worship in the area
- The noise report does not acknowledge that the Scylla Rd Hall is not adjoined by residential property and effects of large numbers of people congregating outside have not been taken adequately into account – this type of noise is different to traffic noise which people can tune out
- There is inadequate cycle parking provided for given that the cycle parking at the rear is for use of residents only and there are only 5 public stands outside on Southampton Way
- timing of the application was poorly considered as consultation is during the Christmas period when many residents are away or have little time to review the application
- Council's consultation on proposed controlled parking zone in the surrounding streets highlights that parking pressure already exists - Inadequate car parking on the streets in the surrounding area
- Blocking up the two windows at ground floor level would be unattractive and create a dark/unlit area that may become an outside urinal; blocking up the windows will also restrict the number of exits from the building in case of fire
- Concerned about number of attendees as according to the reports it varies

between 75 – 175 and no mention is made of the numbers attending Scylla Rd

- Confusion about the nature of the use, with the application mentioning sole use as worship at weekends and evenings, but some references elsewhere to seminars and instructions groups; when would such use take place – must mean use during the daytime not just weekends for worship?
- Premises unsuitable for worship as set in a non secular residential building and would not benefit the community in the same way as a non-secular organisation would
- Concerned that hours of use are not set out and also impacts of wider uses such as weddings and funerals – how many would there be a year?
- The application doesn't address how it meets national planning policies such as developing social cohesion, creating socially inclusive communities, taking into account the needs of all the community or retaining and sustaining existing community facilities
- Existing public transport infrastructure is already inadequate

119 South City Court SE15 – loss of retail space, would like to see more shops here eg Costa Coffee to build on the success of the Tesco in the vicinity which is well used - parking availability too limited in the local area and as a CPZ is proposed competition for spaces would be severe; residents of South City Court do not want to be fighting off patrons of the church for spaces within the South City Court parking area

- inadequate public transport - can;t cater to current demand let alone 300+ patrons of the proposed church
- noise pollution - the presence of a church with singing and other forms of praise in weekends would harm enjoyment of people's homes
- waste management - such an establishment would result in greater generation of waste in the area

Flat 7 193 Southampton Way SE5 – lives above the Tesco adjacent to the site; residents are already disturbed by the usage of Tesco as people congregate outside from 7am til 11pm; this continues through the night with the ATM being used

- Reiterates objections to the previous application
- parking situation is already dire with cars double parked outside Tesco and no parking available in the nearby streets – the scheme would worsen this situation
- the consultation on a CPZ in the area suggests that it would be impossible to take on further parking in the area
- parking and drop off at the area behind the building as claimed by the applicant would not be possible as it is a private estate
- noise – from singing, amplified music, chanting, celebrations such as weddings – what if any restrictions would be put on usage?
- Amount of people this proposal would create using this piece of road/pavement – more people would mean more noise but also safety concern and lack of appropriate crossing facility
- Southampton Way is (or was) a residential community street and we do not want a busy environment outside the front door
- Letters of support seem to be from people who do not live immediately next door and should be seen as biased

27 Lynbrook Grove SE5 – inadequate transport infrastructure as already evident by the congestion and parking pressures caused by Tesco adjacent to this proposal - Appendix 6 of the Transport assessment contains an out of date map which refers to Lydney Close which no longer exists as replaced by Lynbrook Grove in 2004 and where there are barely enough parking spaces for existing residents let alone

prospective church attendees (Officer note – the Appendix 7 parking survey refers to 'Lydney Close/ Lynbrook Grove') which officers take to be a correct reference as compared with the map

No specific address provided (but states 3rd floor of main South City Court building and can provide exact address on request) – increase of people in the area leading to congestion/blocking of the pavement

- More pressure on the existing limited bus service
- Increase in numbers of people using the Tesco and ATM next door
- likely increase in litter
- concerns about noise unless building is properly insulated
- noise due to increased footfall outside the premises; due to services, music, and as a result of increased people using public and private transport, and as a result of the development work
- objects to religious services not conducive to local residents e.g. services falling under either seasonal or weddings are likely to cause disruption to local community that do not follow the same calendar/celebrations
- objects to funerals being held
- according to the previous application a number of people already seem to live closer to another place of worship for their faith so no need evident for this location to be used
- there are already plenty of places of worship in this area with plenty within walking distance of this location (10 mins); therefore this one is unnecessary and may cause issues if they are competing for attendees
- given that the noise assessment states that two of the proposed six congregations using the Scylla RD site would move to this one means that this site is unnecessary as demand is already met elsewhere
- concerns about any reliance for cycle and car parking or drop off using the private estate's facilities at South City Court (issues relating to lease, resident's insurance, safety)
- highway safety – concern about traffic congestion in Peckham Grove and additional traffic impacts in general – noise, safety
- external works would create ugly facade to Southampton Way, and works to integrate proposed additional toilets would be disruptive to the community and create future problems to the systems in the future
- resident already experiences noise disruption from summer BBQs, parties and people playing music loudly and this scheme would increase the likelihood of this disruption at unsociable hours
- concerned that noise survey only assessed Southampton Way facade and the front facade of the comparative Kingdom Hall and not the area at the rear of the site and is flawed as only assesses street-side noise impacts

South City Court resident - the application does not include agreement to the personal planning permission recommended by the applicant's noise impact assessment and contains no proviso that noise attenuation measures will be taken such as suggested conditions;

- with or without music 300-350 attendees will be too noisy for this location
- the proposed shared waste facilities are already full with residents waste
- the transport statement refers to Southampton Way as a major bus corridor by the 343 is the only bus and is often already full; with no planned improvements in the area the scheme would worsen this situation
- consultation ran over Christmas which is unfair as many people would away at this time
- The writer had to move out of their home on Camberwell Rd owing to noise and disturbance from another place of worship which kept people awake until 4am on most weekends with loud music playing and excessive noise on a Sunday, which could have been avoided if residents had objected to a planning application at that

location as is the opportunity available here

Flat 5 South City Court – concerns about any reliance for cycle and car parking or drop off using the private estate’s facilities at South City Court (which are already in demand/need by residents and which the management agent advises would not be leased to the applicant)

- windowless frontage is ugly
- there are already a number of church meetings held in premises in the vicinity; massive oversupply of faith premises generally, and specifically there already two other Jehovah’s Witnesses premises nearby at Austins Court on Peckham Rye and Queens Rd so no justification for another one here
- there has been continual building or noise on the site at South City Court since 2003 so more noise now from a place of worship would destroy any quiet residents could now have hoped to expect
- transport in the area is inadequate, e.g. the 343 bus is oversubscribed already without additional pressure
- nuisance and aggression – concern about street preachers in the area already and would not want to see more
- reference to the problem faith premises at Camberwell Rd which forced another objector to move out

Flat 18 54 Peckham Grove – agrees with most of the objections already raised and reiterates objections to the previous scheme. In addition:

- disagrees with the conclusions of the submitted noise and transport assessments, in particular an argument that appears to be expressed on p22-23 of the noise impact assessment that the noise level on Southampton Way is already so excessive that this place of worship won’t make a difference; as someone who has lived here for 4 years the writer can attest to the fact that it is indeed quite noisy a lot of the time and doesn’t want the noise added to in anyway.
- disagrees with methodology of the noise assessment as considers that noise generated by one building in another road cannot be used to predict what might happen at this site
- refers to last para of 6.9 p 23-24 of the noise assessment which refers to elevated noise levels for up to 10 mins at a time; as a one off this wouldn’t be too bad but if it happens every time the Hall is used then unacceptable noise levels would build up; would not appreciate such noise 7 days a week 365 days a year.
- application states at great length how many parking spaces area available in the area but then states most attendees would walk – which is the most likely option?
- are they expecting every space in all of the surrounding roads that have been assessed or spare capacity to be used up as if so that would be a lot of congestion and disruption
- whilst application form states hours are not known the planning statement refers to anytime between 9am and 8pm and up to 10pm at weekends, as a resident would not appreciate near constant noise and disruption at these times
- concerns about any reliance for cycle and car parking or drop off using the facilities at the rear which the writer believed were for exclusive use by residents of 52/54 Peckham Grove and regardless of whether the intention was that such use were occasional or in exceptional circumstances only, it would be likely to end up being much more frequent in practice as well as used for people congregating/parking/littering and used by workers during construction of the building and for maintenance afterwards
- principle of such a use in a building surrounded by/attached to large numbers of flats is inappropriate

No address provided (but states lives next door to Unit 2 191-199 Southampton Way)

- concerned about noise, additional traffic and parking impacts, litter
 - already another place of worship just off Southampton Way, we do not need

- another
- application should be supported by full reports on noise pollution/noise control covering not just the premises itself but the comings and goings of worshippers and added traffic and parking issues

No address provided – noise impacts as building was not built to required standard of sound proofing in particular as there are flats directly above and noise from a singing/worshipping congregation would be untenable

- air conditioning units would be required that would also add to noise; arrival of worshippers by foot or car would be noisy especially on Sunday mornings
- inadequate car parking in the surrounding area
- the local community would benefit more from retail in this location
- There are already enough establishments in the borough for religious worship
- the site is unsuitable for this activity

25 representations in **support** of the proposal, summarised as follows:

- The writers live locally and would appreciate having this facility within walking distance;
- The proposal would be excellent for the community;
- Places of worship can often be used to start up schemes for children helping to keep them from the dangers of the street;
- Unlike an additional bar and club, this would be a peaceful place that will help unite the community

There were 25 representations in support of the application, as summarised below:

13 Peckham Grove SE15 – disappointed that the last scheme was refused;

- this commercial unit has remained vacant for as long as 5 or 6 years, surely better being used than staying vacant;
- location of Kingdom hall here would benefit local Jehovah's Witnesses as well as wider community in terms of greater presence of people in weekends and evenings which would increase sense of safety
- this area of Southampton way is lacking in amenities and has been run down for a while; the additional people using the area for the Kingdom Hall would benefit local businesses such as shops and cafes (gives example of contribution of a Kingdom Hall to regeneration improvements in Jersey City)
- objections in terms of noise and parking outweighed by benefits outlined above
- need to consider that some local residents currently drive to services further away at New Cross
- also need to keep in mind that arrangement and consent of Jehovah's Witnesses meetings is such that noise isn't a problem, eg have short period of singing at start, middle and end of services but have no amplified sermons, live music or percussion, clapping or choir singing

42 Coleman Rd SE5 – would like to have this as our own place of worship; worshippers are modest, loyal, loving united people

78 Bushey Hill Rd SE5 – disappointed that previous application was refused; this scheme would be accessible by foot for the writer and his wife

27 Rainbow St SE5 – having such a place of worship in this area would improve the behaviour people in the area; although some churches play drums and sing aloud not all do

17 Wodehouse Ave SE5- disappointed that previous application was refused; this scheme would be accessible by foot for the writer and family as well as other local

residents

Flat 12 Burgess House Wyndham Estate – the proposal would be good for the community and surroundings

39 Welton Court 2A Crofton Rd SE5 - disappointed that previous application was refused; being able to walk to the Kingdom Hall would benefit our family (5 min walk)

Flat 1 St Georges Church 55 Wells Way SE5 – disappointed that the last scheme was refused; this scheme would benefit the writer in being able to walk to services rather than the bus to current location of Hall; for this reason would ease rather than aggravate congestion

20 Bushey Hill Rd SE5 – disappointed that the last scheme was refused; this scheme would benefit the writer in being able to walk to services and would therefore ease congestion

78 Bushey Hill Rd SE5 – disappointed that the last scheme was refused; this scheme would benefit the writer in being able to walk to services and would therefore ease congestion

14a Coleman Rd SE5 – disappointed that the last scheme was refused; this scheme would benefit the writer's family in being able to walk to services especially as they don't own a car

30 Foxcote 150 Albany Rd SE5 – this scheme would benefit the writer's family in being able to walk to services; approving this scheme would be to the benefit of Christians in the neighbourhood

13 Racine Sceaux Gardens SE5 – this scheme would benefit the writer in being able to walk to services rather than take buses as the writer currently does to New Cross services

Flat 11 South City Court SE15 – disappointed in previous refusal especially in relation to the reasons for the refusal;

- the Jehovah's Witnesses are not in the same category of some other faith groups which some objectors seem to think are renowned for loud services into the early hours

- considers that the new submission in particular part 7 of the noise impact assessment contains measures which if adopted should allay concerns especially the personal permission which is recommended, and the noise management plan detailed in appendices D and E

- anyone visiting any of the services at other Kingdom halls nearby would be likely to find their fears dispelled in relation to noise

101A Laurent Rd SE15 – would be beneficial for the writer's family to be able to walk to services here (10 mins walk)

4 Chandler Way SE15 – would be beneficial for the writer's family to be able to walk to services here

Flat 9 Samuel Jones Court SE15 – no reason given

Flat 76 Samuel Jones Court SE15 – would use the facility if consent is granted and it is only a minute's walk away

78 Furley Rd - would be beneficial for the writer's family to be able to walk to services

here (15 min walk)

140 Sedgmoor PI SE5 - scheme would be beneficial for people such as the writer with limited mobility in the local area who wish to worship here

Pentridge St SE15 – writer would benefit from being able to walk to the services here

14 Gatiskell House, Illa St SE17 - support but no reason stated

Flat 22 Wendover House Thurlow St SE17 – will allow people living in the local area to worship in a facility nearby negating need to travel by car; facility would give young people an opportunity to engage with people especially in context of worshipping God and reduce anti-social behaviour; would enable members of the community to come together

No address given - disappointed that previous application was refused; this scheme would be accessible by foot for the writer who cannot travel far

No address given – benefits in relation to the social and community aspects of faith and support engendered by the church