

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.2	Open	10 July 2012	Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11/AP/3481 for: Full Planning Permission  <b>Address:</b> CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA  <b>Proposal:</b> Use of premises as a place of worship (Class D1)		
<b>Ward(s) or groups affected:</b>	Peckham		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 14 October 2011		<b>Application Expiry Date</b> 09 December 2011	

## RECOMMENDATION

- 1 Grant planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is known as 1a Sumner Road, which was originally a 1930s light industrial building formerly used as a clothes manufacturing warehouse.
- 3 It is surrounded to the north, west and east by Burgess Park and to the south by a new mixed use development, known as Galleria Court. This neighbouring development comprises a 5-10-storey building, which contains 47 small light industrial/office studios, 4 live/work units and 98 flats, together with 97 car-parking spaces.
- 4 The premises is currently occupied by the Christ Apostolic Church of Mount Zion International (CACMZI) and is used as a place of worship.
- 5 The site is located within the Peckham and Nunhead Action Area, and is not located within the setting of any listed building or within a conservation area.

### Details of proposal

- 6 Planning permission is sought for the continued use of premises as a place of worship (D1), on a permanent basis.
- 7 Temporary permission (09-AP-2300) has previously been granted which expired on 19 October 2011. There has been in a delay in processing this application due to the need to undertake site visits to monitor how the use was operating.
- 8 Both internal and external alterations were undertaken in association with the limited

period permission (09-AP2300) granted at a Peckham Community Council planning meeting on 2 April 2010 and detailed in the planning history section. The previous permission included the repositioning of the main entrance to the north face of the building fronting Burgess Park with a canopy over, and covered cycle storage to the front of the building. There were no further external changes proposed.

- 9 The programme of church services being sought are in line with that previously granted. Monday to Thursday 18:00 to 21:00; Friday 18:00 to 21:30; Saturday 10:00 to 21:00; Sunday 09:30 to 16:00. There is also proposed a special new years eve service between 21:00 and 01:00.
- 10 The applicant has submitted a programme of church services which show a range of different types and sizes of meetings within the building, such as choir practice, bible study, and prayers throughout the week in addition to the main Sunday services.
- 11 The record of attendance submitted previously showed a range of congregation numbers for the main weekly services to between 82 to a maximum of 371. With this submission, the applicant has stated that the normal number of attendees is within the range of approximately 220 to 260 persons.

### **Planning history**

- 12 Planning permission (9800089) was refused in March 1998 for a change of use from light industrial to church use for the following reasons:

*The proposal would result in the unacceptable loss of existing employment floor space contrary to Policy B.1.2 'Protection Outside Employment Areas and Sites of the then Southwark Unitary Development Plan 1995.*

*The proposed use is likely to generate high levels of on-street parking which would prejudice the safety of pedestrians and other road users and generate noise and disturbance for local residents contrary to policy E.3.1 of the then Southwark Unitary Development Plan 1995.*

- 13 The applicants appealed (T/APP/A5840/A/98/295266/P7) against this refusal of permission. At the time of the assessment of the appeal by the Planning Inspector, the nearest dwellings were located in Pennack Road some 80 metres south of the site, around the junction of Sumner Road and St George's Way some 50 metres south-west of the site and fronting Glengall Road some 70 metres to the east.
- 14 The Council and some local residents at the time, were concerned about noise and disturbance which could emanate from the appeal proposal both from the use of the building and the parking it would generate in residential streets. However, there was no dispute at the time of the assessment that any internal noise arising from the proposed use of the building could be controlled by means of a planning condition requiring provision of soundproofing measures.
- 15 Within the appeal decision notice the Planning Inspector concluded that subject to a suitable condition concerning soundproofing the existing building, the proposal would not result in any severe problems, or have an adverse effect on the living conditions of local residents in terms of noise and disturbance.
- 16 It appears that the Inspector's conclusion was based on the understanding that the main use of the building as a Church would be on Sundays when services would be held for about two hours in the morning and possibly also in the afternoon. During the rest of the week, the building would be used mainly in the evenings for about two hours for counselling, training, bible study and prayer meetings. On Saturdays, it

would probably be used during the afternoon and evening for choir practice and youth fellowship meetings.

- 17 Furthermore that the building would accommodate about 220 people on the basis of the proposed internal layout and that the services would involve the use of amplified music.
- 18 Having taken into account all the matters raised, in an appeal decision notice (T/APP/A5840/A/98/295266/P7) dated 04 November 1998, the Inspector allowed the appeal and granted planning permission for change of use from light industrial/office use to church use (from Class B1 to D1) subject to the following conditions:

*The development hereby permitted shall be begun before the expiration of five years from the date of this permission;*

*The use hereby permitted shall not be commenced until full details of a scheme to insulate the premises against the transmission of airborne and impact sound has been submitted to, and approved in writing by, the local planning authority and the development shall not be carried out otherwise than in accordance with the approved details;*

*The premises shall be used for, or in connection with, public worship or religious instruction (including community activities) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).*

- 19 Planning permission (04-AP-1206) was refused on 28 July 2005 for an application to use the building for a church and day nursery for 30 children (Removal of condition 3 attached to the Planning Inspectorate's decision ref APP/A5840/A/98/295266).
- 20 The Council was first made aware of noise complaints in 2006 once Galleria Court was occupied subsequent to completion at the end of 2005. The Planning Enforcement Team were first made aware of noise and disturbances at the site in 2007, and the CACMZI was requested to submit details to discharge condition 2 of the original planning permission.
- 21 Various meetings, discussions and submissions of information (such as Acoustic Reports) took place between the Council (Environmental Protection Team and Planning Enforcement) and the applicant as a result.
- 22 All windows to the main hall on the south facade had been filled with dense masonry and an independent wall lining has been fitted to this wall. Comprehensive works have been carried out to the ceiling. A noise management policy appeared to be in place with somebody ensuring that the internal lobby doors and front door are kept closed and further comments would be made in the final report to ensure that maximum benefit is derived from the soundproofing works.
- 23 The Council remained concerned that no confirmation of the effectiveness of the works that had taken place had been provided and it was not clear whether these works would insulate 1A Sumner Road sufficiently to protect the amenity of adjoining occupiers. The applicant was requested a number of times to provide further detail, which was not forthcoming.
- 24 An Enforcement Notice (08-EN-0266) was served and took effect on 1 October 2008. The Notice was served as the Council took the view that it had exhausted its

discretion to hold planning enforcement action in abeyance pending the retrospective submission of details to discharge condition 2 of the original planning application. The Enforcement Notice required any part of the land to be stopped being used as a place of worship.

- 25 The Enforcement Notice was then subject to an appeal (APP/A5840/C/08/2086570). The Planning Inspector considered the main issues to be the effect on the living conditions of neighbouring residents with particular regard to noise and disturbance, and secondly, traffic, parking and highway safety.
- 26 The Inspector considered that construction of Galleria Court has increased the residential character of the area. Furthermore, activities at the premises now take place on all days of the week, generally in the evening and often late into the evening. The applicants also stated that their services included amplified music, and singing, clapping, drumming and various instruments.
- 27 In addition, the previous Inspector considered a maximum attendance of 220 persons, and the use had increased to about 300. The effects of the use since the previous decision had clearly intensified.
- 28 Given the dispute of levels of noise generation, the Inspector could not be certain that the adjoining residents did not suffer from noise disturbance, however no evidence was submitted by the appellant that substantiates whether or not noise impact had been adequately addressed.
- 29 Notwithstanding this, the Inspector had particular concern that the comings and goings of up to 300 people are likely to result in significant noise and disturbance. Such noise would arise not only from people congregating in the street, but also their vehicles stopping, starting and manoeuvring. Whilst noise emitted from the building could be controlled by insulation secured by condition, no such measures are possible for people in the street. As such, the Inspector found that this would result in unacceptable noise and disturbance.
- 30 With regard to transportation issues, the Inspector considered that time parking restrictions had been introduced on Sumner Road which limits the spaces available near the site. It was also considered that parked vehicles on both sides of the road still left room for others to pass.
- 31 However, the Inspector concluded that parking in Sumner Road within the vicinity of the site adversely affects the safety of highway users, however it was the opinion of the Inspector that a travel plan which included measures to control parking could overcome this objection.
- 32 The appeal was dismissed and the Enforcement Notice was upheld by a decision notice on 27 April 2009. Therefore, the D1 use as a place of worship became unauthorised.
- 33 Temporary planning permission (09-AP-2300) was granted on 19 April 2010 for the continued use of premises as a place of worship (D1) and external alterations to include the repositioning of the main entrance to the north face of the building fronting Burgess Park with a canopy over. The temporary permission was for a trial period of 18 months.
- 34 Approval of Details (10-AP-1389) was granted in May 2011 for the details of a report investigating transmission of structure borne noise to Galleria Court pursuant to condition 6 of the planning permission.

- 35 Approval of Details (10-AP-1392) was granted in December 2010 for the details of sound insulation installed pursuant to condition 10 of the planning permission.
- 36 Approval of Details (10-AP-2413) was granted in May 2011 for the Details of the facilities to be provided for the secure storage of cycles as required by condition 8 of the planning application.
- 37 The temporary permission was also subject to a S106 obligation which secured parking control measures (via the implementation of yellow lines) on the stretches of road adjacent to the premises. An exemption from the parking permit scheme in force in the area was also secured through the S106.

### **Planning history of adjoining sites**

- 38 Planning permission (02-AP-1197) was granted on 03 July 2003 subject to a legal agreement, for the demolition of an existing industrial building at 1-27 Sumner Road and the construction of a part 5, part 6 stepping up to 10 storey building, to provide 47 small light industrial/office studios (Class B1), 4 live/work units and 98 flats (37 x 1 bed, 57 x 2 bed and 4 x 3 bed flats), together with 97 car parking spaces. This development, now completed, is now known as Galleria Court.
- 39 It was the Council's consideration at the time of assessment of this application that the separation distance of 6.6m of Galleria Court to the neighbouring building at 1a Sumner Road (which was in operation as a church) was sufficient and would not unduly impact on the use of this site, 'either currently nor in the future'.
- 40 Galleria Court was completed by the end of 2005, the first residents to move into Galleria Court did so in early 2006 and they complained about noise from CACMZI as soon as they moved in and the first petition from residents on the elevation facing CACMZI was signed in September 2006.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 41 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
  - b) the impact on the amenity of neighbouring occupiers
  - c) the impact on the function of the transportation network

#### **Planning policy**

##### Core Strategy 2011

- 42 Strategic Policy 1 - Sustainable Development  
Strategic Policy 2 – Sustainable transport  
Strategic Policy 4 - Places for Learning, Enjoying and Healthy Lifestyles  
Strategic Policy 12 - Design and Conservation  
Strategic Policy 13 - High Environmental Standards

##### Southwark Plan 2007 (July) - saved policies

- 43 2.2 'Provision of new community facilities'

- 3.2 'Protection of amenity'
- 3.7 'Waste reduction'
- 3.12 'Quality in design'
- 3.25 'Metropolitan open land'
- 5.2 'Transport impacts'
- 5.3 'Walking and cycling'
- 5.7 'Parking standards for disabled people and the mobility impaired'

#### London Plan 2011

- 44 Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.4 Local character
- Policy 7.6 Architecture

#### National Planning Policy Framework

- 45 On 27 March, the DCLG published the National Planning Policy Framework with immediate effect. The NPPF replaces previous government guidance including all PPGs and PPSs. The relevant section of the NPPF in consideration of this application are the 'Core planning principles' (para 17), particularly the requirement to ensure a good standard of amenity for all existing and future occupants of land and buildings.

#### **Principle of development**

- 46 The principle of using the premises as a place of worship in land use terms has already been established historically and there is not considered to have been a material change in the land use circumstances at the site or immediate vicinity, or in policy terms. The proposal is therefore considered to be acceptable in land use terms provided there is no harm to the amenity of neighbouring occupiers or impact on the functioning of the transportation network primarily.

#### **Environmental impact assessment**

- 47 Not required for a proposal of this size and nature.

#### **Amenity**

##### NOISE AND DISTURBANCE

- 48 Subsequent to the Appeal Decision and prior to the granting of the temporary permission, the Applicant installed insulation within the premises upon consultation with Council's Environmental Protection Officer. The application was also accompanied with an Acoustic Report which assessed the noise environment and the effectiveness of the insulation.
- 49 The EPT officer was satisfied previously that the insulation installed within the building was suitable and that it sufficiently prevented noise breakout, subject to the imposition of conditions imposed on the temporary condition.
- 50 Further to the work done previously on acoustic insulation, the Applicant has provided a Noise Management Strategy (dated October 2011) which sets out the measures that according to the applicant have been and will continue to be implemented to ensure noise generated does not adversely effect the amenity of neighbouring occupiers.
- 51 There remains concern from neighbouring residents within Galleria Court that the

place of worship causes loss of amenity due to noise and disturbance, despite the implementation of conditions and insulation measures already undertaken.

- 52 Council Officers have been out to the site on at least three occasions recently during Sunday services to witness whether there was any disturbance to neighbouring occupiers, or the functioning of the transportation network. On each occasion there were stewards in high visibility jackets and Officers witnessed them moving vehicles who had pulled up outside the premises, and on both occasions people were not congregating outside after services.
- 53 However, on one of the occasions it was apparent that during a service the internal fire door between the main hall building and the conservatory to the rear was left open. The result was barely audible from the patio area of the immediately adjoining flat within Galleria Court, although it was audible from within Burgess Park to the rear. Whilst it was audible, the level of noise was not above traffic noise.
- 54 Also, whilst neighbouring occupiers have raised concern within the consultation of this application there have been no complaints made to the Environmental Protection Team since the temporary permission was granted.
- 55 Clearly the reason for granting a temporary permission was in effect to be a trial period to allow both the Council and neighbouring occupiers to monitor the use of the premises.
- 56 Whilst it is appreciated that Council Officers do not live adjacent to the site, on each occasion an Officer visited the site and surrounds (unannounced and anonymously to the place of worship) there was no material loss of amenity to neighbouring occupiers. In addition, given that there have been no noise complaints within this temporary period, it can be concluded that there is no material loss of amenity to neighbouring occupiers.
- 57 However, should consent be granted, it is recommended to reimpose relevant conditions of the previous permission, including hours of operation, restriction of numbers of occupiers, the adherence to the Noise Management Strategy, and measures such as ensuring the fire door between the main door and the conservatory remains closed (as other external doors and windows).
- 58 The record of attendance previously submitted shows a range of congregation numbers for the main weekly services to range from 82 to a maximum of 371. A normal number of attendees is within the vicinity of approximately 220 to 260 persons according to the application documents.
- 59 The restricted hours of operation are proposed as:
- Monday to Thursday 18:00 to 21:00
  - Friday 18:00 to 21:30
  - Saturday 10:00 to 21:00
  - Sunday 09:30 to 16:00
  - There is also a special new years eve service between 21:00 and 01:00
- 60 It is important to realise that whilst the main weekly service is generally held on the Sunday, the remainder of the week is generally occupied with a range of smaller ancillary church services such as choir practice, bible study, and prayers.
- 61 It is considered that the hours of operation proposed are an improvement from the hours the church has operated in the past (prior to the temporary permission), which gave rise to a number of noise complaints. There was historically no restriction on

hours of operation, and the premises often operated until late at night apparently.

- 62 In addition, to ensure a manageable level of attendance without resulting in excessive congregation numbers, and also limiting the potential for noise and disturbance of surrounding occupiers, it is proposed that should consent be granted, that a condition is imposed to restrict the maximum number of occupiers to 300 persons (which includes a limit of no more than 100 persons after 6.30pm on Mondays to Saturdays), however, to allow for special services which may exceed this number thrice yearly (per calendar year) exceptions will be allowed.
- 63 Furthermore, in an attempt by the applicant to overcome any noise and disturbance generated by people coming and going, or congregating outside the site, the Noise Management Strategy (dated October 2011) will be conditioned to be adhered to going forward.
- 64 In addition to the soundproofing works previously undertaken within the main building, and the repositioning of the main doors, the Noise Management Strategy document proposes a number of measures which have been summarised as follows:
- Posters will be displayed within the premises requesting all members keep noise to a minimum when entering and leaving the premises, not to congregate outside, to use bus stops to the north of the site, and car users to park in the side streets to the north of the site.
  - The requests made above are also to be made orally by the Pastor during every service.
  - In order to control the movement patterns of people coming and going, and to ensure that any noise generated outside is kept to a minimum, the church will employ stewards wearing high visibility jackets before and after services. The stewards will advise members to behave courteously; to direct members that need to travel by car to park to the north of the site; to monitor arrivals by bus and to ensure that members use stops located to the north of the site.
  - The external doors and windows of the building are to be kept closed during services.
  - The church will also actively monitor these measures, and in the event that there is any complaint raised by neighbouring occupiers they are encouraged to discuss with the Pastor (or any elders), via a provided email, or by letter.
- 65 Overall it is considered that the Noise Management Strategy generally addresses the issue of noise and disturbance from people attending services. However, to ensure that the measures proposed within are substantive enough to ensure that impact on amenity will be adequately mitigated, it is proposed to include a condition to ensure the measures proposed within the Strategy are adhered to, as mentioned above.
- 66 In addition the noise insulation previously installed will be conditioned to be retained for the life of the permission and noise limits measurable at neighbouring premises will continue to be conditioned.
- 67 It is therefore considered that the measures proposed would sufficiently overcome the potential for noise and disturbance to neighbouring occupiers, and subject to the imposition of conditions, the proposed development would meet the saved policies of The Southwark Plan [UDP] 2007 and the Core Strategy 2011.

### **Traffic issues**

- 68 Southwark Council has no parking standards for D1 uses and standards are applied flexibly, although this is an area with a low TfL PTAL rating (3), reflecting the area's adequate level of access to all forms of public transport. The proposal site is also situated in a Controlled Parking Zone (CPZ).
- 69 The applicant has submitted an updated Travel Survey (dated July 2011) and Transport Statement (dated October 2011). Given the history of this site, there has already been a significant assessment of the transport implications associated with the use of the premises as a place of worship.
- 70 The vast majority within the survey lives in Peckham (SE15) and Walworth (SE17). The transport options of these surveys indicate that most arrived by bus and foot, with those arriving by car being slightly less. A travel plan has been submitted with the application which the Transport section have confirmed they are satisfied with.
- 71 The temporary application secured an off-street car parking space and 8 covered cycle spaces to the front of the building, which have been implemented and are satisfactory. Although residents have stated that they are not used, they have been provided in accordance with saved policy 5.3 'Walking and Cycling' of the Southwark Plan 2007.
- 72 A legal agreement was also secured under the temporary permission to implement the placement of double yellow lines outside the premises, which as mentioned in the planning history section above, have now been implemented
- 71 As a result of the temporary use Yellow lines were marked on the highway on Sumner Road and the southern section of Trafalgar Avenue. The provision of the yellow lines have reduced the harm caused by parked vehicles associated with the place of worship. Previously these vehicles were parking on the immediately surrounding highway, in areas with limited visibility.
- 72 As mentioned above, officers have also witnessed the marshals moving vehicles on that try to park or 'drop off' people out side the development.
- 73 Overall, with the measures detailed above, it is considered that the development would meet the saved policies of The Southwark Plan [UDP] 2007 and strategic policies of the Core Strategy 2011.

### **Design issues**

- 74 There will be no additional external alterations to the building or the outside areas and therefore there are no design issues.

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

- 75 None.

### **Waste**

- 76 The applicant previously proposed to provide 2 x 360L refuse and recycling bins near the main entrance, to be positioned on the street for collection. This refuse storage has been provided and will be retained.

- 77 It is considered that the proposed development would meet the relevant saved policies of The Southwark Plan [UDP] 2007 and strategic policies of the Core Strategy 2011.

#### **Impact on trees**

- 78 None.

#### **Planning obligations (S.106 undertaking or agreement)**

- 79 There are no planning obligations required by this application, due to the size of the proposal falling under the normal thresholds, and any required mitigation measures have already been provided; ie the yellow no parking lines.

#### **Sustainable development implications**

- 80 There are no sustainable development implications, a high level of insulation has already been provided which not only helps with sound attenuation but also heat loss.

#### **Other matters**

- 81 The proposal's liability for the Mayor's Community Infrastructure Levy (CIL) and any dispensations that could be applied for, is currently being discussed with the applicants and any update on this matter will be provided in an addendum report.

#### **Conclusion on planning issues**

- 82 Overall, and for the reasons explored above, it is considered that the proposed continuation of the premises as a place of worship would not give rise to any material loss of amenity to neighbouring occupiers from noise or disturbance, and would not harm the functioning of the transportation network. The application, subject to the imposition of conditions, satisfactorily meets the saved policies of The Southwark Plan [UDP] 2007, and strategic policies of the Core Strategy 2011, and permission is recommended for these reasons.

#### **Community impact statement**

- 83 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.

The impact on local people is set out above. It is considered that due to the reimposition of conditions and the mitigation already carried out at the property that the proposal will not impact on the amenities of adjoining occupiers.

#### **Consultations**

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

#### **Consultation replies**

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

#### **Summary of consultation responses**

86 A total of five letters of objection (plus one from a reconsultation) were received from the residents of:

- Apartments 5, 9, 47, 88 Galleria Court
- No address x 2

87 In addition a petition signed by the residents of apartments 2, 5, 9, 12, 23, 35, 36, 47, 57, 60, 65 and 69 Galleria Court

88 Councillor Barrie Hargrove also objects on the basis that the church has consistently failed to meet the terms of the planning permission.

89 The objections are summarised as following:

### **TEMPORARY PERMISSION**

90 Conditions of the initial temporary planning permission were not followed, they are also not enforceable and do not benefit the residents of Galleria Court.

91 There are no other mechanisms other than self-policing and goodwill of the church to ensure their implementation.

92 The church has breached conditions of the temporary permission on a systematic basis; including operating out of approved hours; not adhering to the Noise Management Plan; leaving the internal doors into the conservatory open during services; cars still stop on the double yellow lines; and noise continues to escape from the premises during services above approved limits.

93 The imposition of the conditions have failed to solve the problems.

### **NOISE AND DISTURBANCE**

94 There remains significant disturbance to the amenity of neighbouring occupiers from noise and from people gathering outside after services, in particular to those occupiers facing the site, and those with patio areas adjoining. Hours of operation should be conditioned.

95 There is noise break out through the conservatory and this also impacts on the users of Burgess Park.

96 Full planning permission will likely mean a far higher level of activity at the church and with it more noise and disturbance.

97 There have been many records of noise disturbance since the granting of the temporary permission.

98 Children have thrown rocks at residents' windows leading to concerns over safety.

### **PARKING**

99 Parking still remains a problem as people pull up onto the footpath to drop people off which is both a danger and a nuisance.

100 Whilst the cycle racks have been provided, no one ever uses them as everyone drives to the site.

## **HISTORY**

- 101 The church has occupied the premises for over 10 years without a valid planning permission, during which time the church has ignored neighbouring residents' requests, who continue to suffer a loss of amenity.
- 102 The church has ignored previous Noise Abatement and Planning Enforcement Notices.

## **APPEARANCE**

- 103 The church is an unsightly building which impacts on the value of the properties at Galleria Court.

## **Human rights implications**

- 104 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.
- 105 This application has the legitimate aim of providing a community use. 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**

- 106 None.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2386-1A  Application file: 11/AP/3481  Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executives Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5470 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Fennel Mason, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 May 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Department of the Deputy Chief Executive	Yes	Yes
Strategic Director of Environment and Leisure	No	No
<b>Date final report sent to Constitutional Team</b>	28 June 2012	

**Consultation undertaken**

**Site notice date:**

08 November 2011

**Press notice date:**

None

**Case officer site visit date:**

08 November 2011

**Neighbour consultation letters sent:**

08 November 2011

**Internal services consulted:**

Environmental Protection Team  
Transportation Team

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

Attached below

**Re-consultation:**

10 May 2012

### Consultation responses received

#### Internal services

Environmental Protection Team - no objections subject to conditions

Transportation Team - no objections subject to conditions

#### Statutory and non-statutory organisations

N/A

#### Neighbours and local groups

A total of five letters (plus one from a reconsultation) of objection were received from the residents of:

- Apartments 5, 9, 47, 88 Galleria Court
- No address x 2

In addition a petition signed by the residents of apartments 2, 5, 9, 12, 23, 35, 36, 47, 57, 60, 65 and 69 Galleria Court

Councillor Barrie Hargrove also objects on the basis that the church have consistently failed to meet the terms of the planning permission.

The objections are summarised as following:

#### TEMPORARY PERMISSION

Conditions of the initial temporary planning permission were not followed, they are also not enforceable and do not benefit the residents of Galleria Court.

There are no other mechanisms other than self-policing and goodwill of the church to ensure their implementation.

The church has breached conditions of the temporary permission on a systematic basis; including operating out of approved hours; not adhering to the Noise Management Plan; leaving the internal doors into the conservatory open during services; cars still stop on the double yellow lines; and noise continues to escape from the premises during services above approved limits.

The imposition of the conditions have failed to solve the problems.

#### NOISE AND DISTURBANCE

There remains significant disturbance to the amenity of neighbouring occupiers from noise and from people gathering outside after services, in particular to those occupiers facing the site, and those with patio areas adjoining. Hours of operation should be conditioned.

There is noise break out through the conservatory and this also impacts on the users of Burgess Park.

Full planning permission will likely mean a far higher level of activity at the church and with it more noise and disturbance.

There have been many records of noise disturbance since the granting of the temporary permission.

Children have thrown rocks at residents' windows leading to concerns over safety.

## **PARKING**

Parking still remains a problem as people pull up onto the footpath to drop people off which is both a danger and a nuisance.

Whilst the cycle racks have been provided, no one ever uses them as everyone drives to the site.

## **HISTORY**

The church has occupied the premises for over 10 years without a valid planning permission, during which time the church as ignored neighbouring residents requests, who continue to suffer a loss of amenity.

The church has ignored previous Noise Abatement and Planning Enforcement Notices.

## **APPEARANCE**

The church is an unsightly building which impacts on the value of the properties at Galleria Court.

## Neighbour Consultee List for Application Reg. No. 11/AP/3481

<b>TP No</b>	TP/2386-1A	<b>Site</b>	CHRIST APOSTOLIC CHURCH MOUNT ZION INTERNATIONAL, 1A SUMNER ROAD, LONDON, SE15 6LA
<b>App. Type</b>	Full Planning Permission		

Date Printed	Address
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03/11/2011	21-33 (odd) PENNACK ROAD LONDON SE15 6DD
03/11/2011	1, 3, 11, 13, 15, 17, 19 PENNACK ROAD LONDON SE15 6DD
03/11/2011	99-127 GALLERIA COURT PENNACK ROAD/SUMNER ROAD LONDON SE15 6PW
03/11/2011	80B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	80A GLENGALL ROAD LONDON SE15 6NH
03/11/2011	6-7 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	10 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	9 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	7 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	28A SUMNER ROAD LONDON SE15 6LA
03/11/2011	26A SUMNER ROAD LONDON SE15 6LA
03/11/2011	24A SUMNER ROAD LONDON SE15 6LA
03/11/2011	30A SUMNER ROAD LONDON SE15 6LA
03/11/2011	76C GLENGALL ROAD LONDON SE15 6NH
03/11/2011	76B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	76A GLENGALL ROAD LONDON SE15 6NH
03/11/2011	11 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	BASEMENT FLAT 68 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	BASEMENT FLAT 72 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	FLAT B 70 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	FLAT C 70 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	66B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	GROUND FLOOR FLAT 72 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	GROUND FLOOR FLAT 68 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	13 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	12 BRIDEALE CLOSE LONDON SE15 6NB
03/11/2011	78A GLENGALL ROAD LONDON SE15 6NH
03/11/2011	FLAT A 70 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	FIRST FLOOR AND SECOND FLOOR FLAT 72 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	78B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	22A SUMNER ROAD LONDON SE15 6LA
03/11/2011	2 - 28 (even) PENNACK ROAD LONDON SE15 6DF
03/11/2011	5, 7, 9 PENNACK ROAD LONDON SE15 6DD
03/11/2011	35 PENNACK ROAD LONDON SE15 6DD
03/11/2011	14, 12, 10, 4, 8,6 PENNACK ROAD LONDON SE15 6DF
03/11/2011	30 SUMNER ROAD LONDON SE15 6LA
03/11/2011	20A SUMNER ROAD LONDON SE15 6LA
03/11/2011	20 SUMNER ROAD LONDON SE15 6LA
03/11/2011	28 SUMNER ROAD LONDON SE15 6LA
03/11/2011	24,26 SUMNER ROAD LONDON SE15 6LA
03/11/2011	APARTMENTS 90-153 GALLERIA COURT PENNACK ROAD
03/11/2011	74C GLENGALL ROAD LONDON SE15 6NH
03/11/2011	ROOM 4 78B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	TOP FLOOR FLAT 68 GLENGALL ROAD LONDON SE15 6NH
03/11/2011	66C GLENGALL ROAD LONDON SE15 6NH
03/11/2011	74B GLENGALL ROAD LONDON SE15 6NH
03/11/2011	74A GLENGALL ROAD LONDON SE15 6NH
03/11/2011	66A GLENGALL ROAD LONDON SE15 6NH
03/11/2011	APARTMENTS 1-150 GALLERIA COURT SUMNER ROAD