

Item No. 7.5	Classification: OPEN	Date: 11 February 2014	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 13/AP/3636 for: Full Planning Permission Address: RAILWAY ARCH 102A, ROCKINGHAM STREET SE1 Proposal: Use of Railway Arch as a restaurant (Use Class A3) and installation of an extractor fan to rear of property.		
Ward(s) or groups affected:	Chaucer		
From:	Head of Development Management		
Application Start Date 27/11/2013		Application Expiry Date 22/01/2014	
Earliest Decision Date 11/01/2014			

RECOMMENDATION

- 1 That members grant full planning permission subject to condition.

BACKGROUND INFORMATION

Site location and description

- 2 The application property is the ground floor unit in the Railway Arch at 102A Rockingham Street. Access to the property is via Arch Street and Rockingham Street with pedestrian access also available from New Kent Road. The property has a public transport accessibility level (PTAL) of 6b. The site is located within the following designations:
 - Central Activity Zone
 - Air Quality Management Area
 - The Elephant and Castle Major Town Centre
 - Elephant and Castle Opportunity Area.
- 3 The previous use of the site is unknown. The applicant's agent has indicated that the site was empty for at least 6 months prior to their occupation.
- 4 Surrounding uses vary. The applicant has indicated that the upper floor of the railway arch is occupied by a tailor/sewing activity. To the west lies the grade II listed Metro Central Heights building, a multiple storey residential apartment block. Residential apartment blocks also lie to the east. Immediately to the east (i.e. fronting Arch Street) lies a row of garages.

Details of proposal

- 5 The applicant seeks planning permission for the use of premise as a restaurant (Use class A3) and the associated installation of an extractor fan to rear of property. It should be noted that, while plans of the upper floor of the railway arch have also been

submitted, this application relates solely to the ground floor unit.

- 6 Since the submission of the original application, the proposed opening hours of the restaurant have been scaled back considerably (previously it was proposed that the restaurant would open until 03:00 on Thursday and 05:00 on Friday and Saturday). As such, the restaurant is now proposed to have opening hours of:

- Monday to Thursday: 10:00 to 23:00 hours
- Friday and Saturday: 10:00 to 23:30 hours
- Sunday and Public Holidays: 11:00 to 23:00 hours

- 7 The proposed extractor fan would be installed to the rear of the property and would have dimensions of 500mm x 400mm.

- 8 After visiting the site it is apparent internal works to provide for the restaurant activity have begun including the installation of secondary doors behind the existing vertical and horizontal shutters. The applicant has confirmed that no external alterations are proposed with the exception of the proposed extractor fan.

Planning history

- 10 95/373: Use of premises for church services - refused (06/07/95)

94/00110: Use of premises for church services - refused (24/03/94)

91/940: Refurbishment of existing railway arches and demolition of 4 garages (99, 100 and 102 Rockingham St) - approved (9/12/91)

8918: Reconstruction of the superstructure of bridge no. 391A Rockingham Street - permitted (01/03/83)

- 11 In addition to the above planning history, there is an outstanding enforcement case (13/EN/0577) for the application property. This case relates to the work which has begun on site and the potential use of this property as a bar/nightclub.

Planning history of adjoining sites

- 12 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) Principle of the proposed use of the property as a restaurant (Class A3);
- b) Impact on the amenities of neighbouring occupiers;
- c) Design and its impact on the character and appearance of the surrounding area; and
- d) Transport impacts.

Planning policy

- 14 Core Strategy 2011

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Sustainable Transport

Strategic Policy 12: Design and Conservation

Strategic Policy 13: High Environmental Standards

15 Southwark Plan 2007 (July) - saved policies

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

Policy 1.7: Development within Town and Local Centres

Policy 3.1: Environmental effects

Policy 3.2: protection of amenity

Policy 3.7: Waste reduction

Policy 3.12: Quality in Design

Policy 3.14: Designing out Crime

Policy 3.18: Setting of listed buildings, conservation areas and world heritage sites

Policy 5.2: Transport impacts

Policy 5.3: Walking and cycling

Policy 6.1: Elephant and Castle Opportunity Area

16 London Plan 2011

Policy 2.12: Central Activities Zone - predominantly local activities

Policy 2.15: Town Centres

Policy 4.7: Retail and town centre development

Policy 7.4: Local Character

17 National Planning Policy Framework (NPPF)

2. Ensuring the vitality of Town Centres

7. Requiring good design

Principle of development

18 The application property is located within the central activity zone, the Elephant and Castle Major town centre and the elephant and castle opportunity area.

19 Policy 1.7 of the Southwark Plan provides for the accommodation of retail and other commercial town centre uses (i.e. restaurants) within town centres such as the Elephant and Castle town centre. Policy 6.1 of the Southwark Plan provides for a range of uses within the Elephant and Castle opportunity area including shops and commercial activities.

20 The principle of the use of the application property as a restaurant Class A3), given its town centre location, is considered to be acceptable as is the principle of the proposed alterations (i.e. the extractor fan) to provide for this use. However, the suitability of the proposed use depends on the impact the activity would have on the amenities of neighbouring occupiers, the suitability of the design, the servicing arrangements and the impacts in relation to transport. These are considered below.

Environmental impact assessment

21 Not required.

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

- 22 The proposed restaurant use of the property would introduce an increased level of activity to the currently vacant property in the form of patrons travelling to and from the property, servicing requirements and the internal restaurant use of the property. This increased activity has the opportunity to generate noise and disturbance which could be detrimental to the adjoining residential occupiers as does the operation of the restaurant activity. However, despite the increased activity that the restaurant would generate, it is not anticipated that the use of the property as a restaurant (class A3) would generate any detrimental impacts on the amenities of neighbouring residential occupiers.
- 23 As has been outlined above, the site is located within the central activities zone and both the Elephant and Castle town centre and opportunity areas. Furthermore the site, being under a railway arch, is within close proximity to a railway line. The level of activity and noise in the immediate environment is therefore anticipated to be generally quite high. The additional activity generated by the proposed restaurant use is not considered to generate an unacceptable level of impact over and above that which already exists.
- 24 The proposed restaurant would have opening hours of 10:00 to 23:00 Monday through Thursday, 10:00 to 23:30 hours Friday and Saturday and 11:00 to 23:00 on Sundays and public holidays. These opening hours and the restaurant use of the site are not anticipated to provide for a level of activity (i.e. late night music, noise, a bar or night club etc) which would be detrimental to the amenities of neighbours. To ensure that the proposed hours are followed and therefore impacts remain at an acceptable level, the restaurant could be restricted to these operational hours through by way of a condition should it be minded to approve the application.
- 25 In terms of the objection that has been received to the proposed activity. This objection appears to relate to the proposed use of the site as a bar/nightclub which it is assumed it based on the opening hours originally proposed (see paragraph 6 above). The proposed use is a restaurant (class a3) and not a bar/nightclub (class A4). The proposed opening hours have been revised since the original lodgement with proposed opening hours being no later than 23:00 on weekdays and 23:30 on Fridays and Saturdays. These opening hours are considered to be acceptable.
- 26 In terms of the external changes, the only change would be the proposed extractor fan. This fan would be located to the rear of the property and with dimensions of 500mm x 400mm the scale of the extractor fan is considered to be small. The nearest residential property to the rear wall (i.e. and the location of the proposed extractor fan) is Metro Central heights to the west which lies approximately 18 metres away. It is not considered that this external fan would be detrimental to the amenities of this occupier.
- 27 Finally, in relation to the plant equipment associated with the proposed extractor fan, given the separation distance between the equipment and the surrounding residential occupiers (the nearest of which is approximately 18 metres away), it is not anticipated that the equipment would generate detrimental impacts in relation to noise.
- 28 To ensure acoustic levels from the operation of the property remain at acceptable levels and are not detrimental to the amenities of neighbouring occupiers, a condition could require the acoustic levels to meet acceptable standards.

Transport issues

- 29 The application property has a public transport accessibility level (PTAL) of 6b and

subsequently is readily accessible through public transport. The site is located within a Town Centre Location and is readily accessible by both pedestrians and cyclists. No car parking spaces are available specifically for the site and given the excellent PTAL and ease of access to the site, it is anticipated that transport to and from the site would be predominantly via public transport, pedestrian or by cycling which is both desirable and acceptable.

- 30 It is considered that the proposal would be consistent with that provided for by saved policies 5.2 'Transport Impacts', 5.3 'Walking and Cycling' and 5.6 'Car Parking' of the Southwark Plan (2007).
- 31 In relation to the servicing requirements of the proposed use, the applicant has indicated that deliveries would usually be between 7:00 and 10:00 on Monday, Wednesday and Saturday mornings. Refuse collection would be daily with refuse being picked up after closure of the restaurants. The applicant has provided details of a local company who services other uses in the area who would be used. This level of activity is not anticipated to generate an unacceptable level of activity on the surrounding road network. Furthermore, the daily pick up of refuse/recycling would avoid the need to bins/bags on the street which is also desirable.
- 32 As a result of the above, it is not anticipated that the proposed restaurant use would generate impacts which would be detrimental to the safety or operation of the surrounding highway network.

Design and its impact on the character and appearance of the area including the adjoining grade II listed building.

- 33 When considering the design and its impact on the character and appearance of the surrounding environment, including the setting of the adjacent Grade II Listed Metro Central Height building to the west, it is considered that only the external alterations would have the potential to give rise to any detrimental impacts.
- 34 The only external alterations proposed under this application are the installation of the proposed extractor fan. This fan would be located to the rear of the property and with dimensions of 500mm x 400mm the scale of the extractor fan is considered to be small. It is not considered that this would give rise to any significant impact on the character and appearance of the application property nor the surrounding environment. Furthermore, the adjacent grade II Metro Central heights building to the west lies approximately 18 metres away from the rear wall of the application property (and subsequently the location of the extractor fan). It is not considered that this external fan would be detrimental to the setting of this building given this separation and the small scale of the fan.
- 35 Internal alterations are proposed and have begun on site. The applicant has indicated that these internal alterations include the installation of a secondary door in behind the existing door and shutters. It is not considered that these alterations would have a detrimental impact on the character and appearance of the surrounding environment. It is also noted that these works would not require planning permission as they are wholly internal.
- 36 It is assumed that, should this application be approved, the applicant would wish to install signage externally to the site. No details of such signage have been provided. Despite this, any signage would require consideration under a separate advertisement application.

Other matters

- 37 The proposed change of use would bring into use an area of 150sqm which has been vacant/unoccupied for a more than 6 of the last 12 months (while not CIL form has yet

been provided, the vacancy of the unit has been confirmed by the applicant in an email dated 06 January 2014). As such, the application would be liable for Mayoral CIL at a charge of £35.00 per square metre of internal floor area (internal floor area is 160 sqm). Subsequently the amount payable would be £5,477.00.

Conclusion on planning issues

- 38 The proposed change of use of the ground floor unit in the rail arch at 102A Rockingham Street to a restaurant (Class A3) is considered to be an acceptable use given its town centre location. The development is not considered to give rise to impacts which would be detrimental to the amenities of neighbouring residential occupiers. The site is easily accessible and would not impact the operation or safety of the highway and the impact on the character and appearance of the area, including the setting of the grade II listed Metro Central Heights building is considered to be acceptable. It is therefore recommended that planning permission is granted.

Community impact statement

- 39 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.

Consultations

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

Consultation replies

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

Summary of consultation responses

42 *Internal*

Transport planning team - The proposed change of use, and the installation of an extractor fan will not generate a significant negative impact on the safety or operation of the surrounding highway network.

Environmental protection team - No objection subject to a condition requiring the submission of an acoustic report detailing the rated noise level from any plant and association ducting/equipment prior to the commencement of the activity.

43 *External*

Flat 7, 26 Arch Street - (summary) Object to the application for the conversion to a restaurant/bar/nightclub. The use of the site as a bar/nightclub would result in additional crime, disorder and generally antisocial behaviour as a result of the late opening hours and drunken behaviour that would result, would be detrimental to public safety and would give rise to detrimental impacts through increased noise levels. Request that application for a bar/nightclub is refused.

Officer comments: comments are noted and have been addressed in paragraph 25 (above). It is noted that the proposal is for use of the site as a restaurant and not a bar/nightclub.

Human rights implications

- 44 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.

- 45 This application has the legitimate aim of providing for the use of the application property as a restaurant (class A3) and the installation of an extractor fan to the rear. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/RLY/14/BK2 Application file: 13/AP/3636 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 7708 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management		
Report Author	Jonathan Payne, Fast Track and Validation Team		
Version	Final		
Dated	16 January 2014		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Finance and Corporate Services	No	No	
Strategic Director of Environment and Leisure	No	No	
Strategic Director of Housing and Community Services	No	No	
Director of Regeneration	No	No	
Date final report sent to Constitutional Team		30 January 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 09/12/2013

Press notice date: 12/12/2013

Case officer site visit date: 09/12/2013

Neighbour consultation letters sent: 19/12/2013

Internal services consulted:

Environmental Protection Team
Transport Planning Team

Statutory and non-statutory organisations consulted:

Metropolitan Police Service

Neighbours and local groups consulted:

20/06/1837	21 Smeaton Court Rockingham Street London		18/11/2013
19/12/2013	391 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON	SE1 6DX	19/12/2013
19/12/2013	389 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON	SE1 6DX	19/12/2013
19/12/2013	388 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON	SE1 6DX	19/12/2013
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19/12/2013	395 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON	SE1 6DX	19/12/2013
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19/12/2013	349 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON	SE1 6DQ	19/12/2013

[illegible]

[illegible]

19/12/2013	341 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON SE1 6DQ	19/12/2013
19/12/2013	344 METRO CENTRAL HEIGHTS 119 NEWINGTON CAUSEWAY LONDON SE1 6DQ	19/12/2013
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19/12/2013	FLAT 21 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 20 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 19 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 22 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 25 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 24 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 23 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 18 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 13 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 12 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 11 26 ARCH STREET LONDON SE1 6AT	19/12/2013
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19/12/2013	FLAT 16 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 15 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 3 28 ARCH STREET LONDON SE1 6AS	19/12/2013
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19/12/2013	FLAT 1 28 ARCH STREET LONDON SE1 6AS	19/12/2013
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19/12/2013	FLAT 31 26 ARCH STREET LONDON SE1 6AT	19/12/2013
19/12/2013	FLAT 30 26 ARCH STREET LONDON SE1 6AT	19/12/2013

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

Transport Planning Team - The proposed change of use, and the installation of an extractor fan will not generate a significant negative impact on the safety or operation of the surrounding highway network.

Environmental Protection Team - No objection subject to a condition requiring the submission of an acoustic report detailing the rated noise level from any plant and association ducting/equipment prior to the commencement of the activity.

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 7, 26 Arch Street - (summary) Object to the application for the conversion to a restaurant/bar/nightclub. The use of the site as a bar/nightclub would result in additional crime, disorder and generally antisocial behaviour as a result of the late opening hours and drunken behaviour that would result, would be detrimental to public safety and would give rise to detrimental impacts through increased noise levels. Request that application for a bar/nightclub is refused.