

Item No. 7.3	Classification: Open	Date: 26 April 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/0166 for: Full Planning Permission Address: 2-4 GROVE LANE, LONDON SE5 8SY Proposal: Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).		
Ward(s) or groups affected:	Camberwell Green		
From:	Director of Planning		
Application Start Date 27/01/2016		Application Expiry Date 23/03/2016	
Earliest Decision Date 04/03/2016			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. 2-4 Grove Lane is located on the western side of the carriageway and is 14m from the junction with Camberwell Church Street. The building is a detached villa with residential on the upper floors and a single commercial unit at ground floor operating as the restaurant.
3. The site is located within the following:
 - Air quality management area
 - Archaeological priority zone
 - Camberwell action area
 - Camberwell Green conservation area.

Details of proposal

4. The proposal is to extend the existing use of the restaurant (Use Class A3) to a restaurant and hot food takeaway (Use Class A3/A5) with associated takeaway delivery only between 10:00 and 23:00 (Monday - Sunday).
5. There are no physical changes proposed to the interior or exterior of the building.
6. **Planning history**

10/AP/2565 Application type: S.73 Vary/remove conds/minor alterations (VAR)

<p>Variation of Condition 3 on application 07-AP-1516 dated 21/08/2007 for the erection of a single storey building for use as a temporary marketing suite in connection with the adjoining residential development and thereafter as a pavilion for the adjoining tennis courts, to extend the permitted time for use as a marketing suite from 30/09/2010 until 30/09/2011. Decision date 08/12/2010 Decision: Granted (GRA)</p>
<p>14/AP/2686 Application type: Full Planning Permission (FUL) Installation of extract flue to restaurant 200 mm in diameter for Pizza oven running adjacent to existing larger flue to oven canopy Decision date 25/09/2014 Decision: Refused (REF) Reason(s) for refusal:</p>
<p>14/AP/3521 Application type: Tree Works in Conservation Area (TCA) Sycamore - Fell. It has grown very close to back wall of garden and is touching adjacent building's wall. Decision date 04/11/2014 Decision: Works acceptable - no intervention (TCAA)</p>
<p>15/EN/0068 Enforcement type: Breach of condition (BOC) Non compliance with condition limiting hours of use. Sign-off date 18/03/2015 Sign-off reason: Final closure - no breach of control (FCNB)</p>
<p>15/AP/1113 Application type: S.73 Vary/remove conds/minor alterations (VAR) Continued use as a restaurant (Use Class A3), with the following hours of operation: 08:00 - 23:30 Sunday to Thursday and 08:00 - 00:00 Friday to Saturday Decision date 03/07/2015 Decision: Granted (GRA)</p>
<p>15/EN/0339 Enforcement type: Unauthorised building works (UBW) 1) Installation of extractor fan/ air cooling unit 2) Unauthorised structure in rear garden Sign-off date 17/11/2015 Sign-off reason: Final closure - not expedient to enforce (FCNE)</p>

7. Planning history of adjoining sites

<p>14/AP/2701. Address: 30 CAMBERWELL CHURCH STREET, LONDON, SE5 8QZ. Description: Certificate of Lawfulness for the existing advertisement signs. Refused</p>
<p>11/AP/1760. Address: 4A-6A GROVE LANE, LONDON, SE5 8SY. Description: Erection of a part 2, part 3 and part 4 storey building to provide a retail shop (A1 Class use) on part of the ground floor and a two bedroom residential unit on part ground and upper floors with terrace at second floor level. Granted</p>
<p>14/AP/3570. Address: 4A-6A GROVE LANE, LONDON, SE5 8SY. Description: Details of Shop drawings (external doors and new shop front) required by Condition 3 of planning application dated 17/10/2011 [LBS ref no.11AP1760] for erection of a part 2, part 3 and part 4 storey building to provide a retail shop (A1 Class use). Granted</p>

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues to be considered in respect of this application are:
- a) principle of the proposed development in terms of land use and conformity with strategic policies
 - b) impact on the amenity of occupiers of nearby properties
 - c) transport - cycle parking, and
 - d) any other material considerations.

Planning policy

9. National Planning Policy Framework (the Framework)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 12: Conserving and enhancing the historic environment

10. London Plan July 2015 consolidated with alterations since 2011

Policy 2.15 Town centres

Policy 4.7 Retail and town centre development

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

11. 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

12. 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 3.11 Efficient use of land

Policy 3.16 Conservation areas

Policy 5.2 Transport impacts

Principle of development

13. The proposal is to offer a delivery service from an existing restaurant that is set within a commercial premise provided the amenity of the neighbouring occupiers is protected.

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

14. The existing restaurant (Use Class A3) was granted with two specific conditions. The conditions imposed controlled operational times and that no meal delivery service by vehicle would take place from the premises. The reason for the conditions were to protect the amenity of adjoining occupiers and to ensure that the proposal would not have an significant impact on the highway network .
15. The proposal is to provide a takeaway delivery service during the hours of 10:00 and 23:00 (Monday - Sunday). The impact on the amenity of adjoining occupiers has been considered against the two pre-existing conditions and saved policy 3.2 (Protection of amenity) of the Southwark Local Plan (2007) and Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011).
16. The applicant has proposed that the takeaway delivery service would be provided by non-motorised vehicles only (bicycles). While the stated intention is to secure deliveries by non-motorised vehicles there is insufficient scope to control this absolutely. Therefore the potential exists that mopeds could be used for an occasional delivery.
17. It is considered that non-motorised vehicles would not cause any harm to the amenity of adjoining occupiers or the public highway as ample cycle parking is provided adjacent the site and therefore couriers would not block the footway.
18. The capacity of the restaurant to provide takeaway food, by delivery, would only generate a few additional trips on the highway network. Therefore the use of an occasional moped is not considered to be harmful to the amenity of adjoining occupiers given the existing noise levels created from the existing traffic on Camberwell Church Street and Grove Lane. Further, mopeds would not block the highway as adequate motorcycle parking is provided across from the site.
19. However, to enhance the protection to the adjoining occupiers conditions are recommended that would exclude deliveries by cars and that no associated delivery vehicle can be stored at the site.
20. The proposal does not seek to provide a takeaway service whereby customers can remotely order and collect themselves.
21. As such the introduction of a takeaway delivery service would not significantly affect the amenity of adjoining neighbours, and in particular those located above the premises.

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

22. None.

Transport issues

23. The applicant has proposed a takeaway delivery service predominantly operated by

non-motorised vehicles. There is ample on street cycle parking adjacent the proposed A3/A5 unit and as a result a courier would be able to safely park a cycle while collecting. This would also allow couriers to collect without blocking the footway, which has been a previous concern.

24. The introduction of motorised vehicles (mopeds) collecting from the site is not considered to be detrimental to the integrity or safety of the highway.
25. It is considered that the transport impact of the proposal has been assessed and is satisfactory because it would not be detrimental to highway safety or convenience of other users.

Design issues

26. There are no proposals as part of this planning application to alter the internal or external appearance building. The applicant is advised that any changes would require a separate planning application to be submitted.

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

27. The building is not listed, however, it is within the setting of 1-9 and 2-8 Jephson Street which are both terraces of grade II listed building dating from the mid C19. The proposal is not considered to give rise to any impacts on the character and/or appearance of the conservation area, which would be preserved.

Other matters

28. While it is not a planning material consideration the applicant was contacted by a delivery company who seek to operate the delivery service on behalf of the restaurant. The delivery company operates 23 courier locally and out of these 22 operate by bicycle. The applicant has stated each courier is advised on arrival where to collect and can be banned from servicing the site if they breach the agreed terms and conditions. The applicant is happy with applying restrictions if conditions reasonable.

Planning obligations (S.106 undertaking or agreement)

29. The proposal does not generate reasons to secure a planning obligation.

Conclusion on planning issues

30. The proposal would not give rise to an inappropriate increase in noise pollution or highway safety impacts. The proposal would lead to additional movements to and from the site but as these would be predominantly on bicycle the impact is negligible and therefore does not warrant refusal.
31. In conclusion, the use of Nose. 2 - 4 Grove Lane as restaurant and takeaway delivery service only (Use Class A3/A5 restricted), with the following hours of delivery service: 10:00 - 23:00 Monday to Sunday is considered acceptable and reasonable. It is therefore recommended that planning permission be granted.

Community impact statement

32. 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.

Consultations

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

Consultation responses

34. Details of consultation responses received are set out in Appendix 2.
35. Summary of consultation responses

No public responses have been registered through the formal public consultation process. However, a local resident had contacted a councillor for the area regarding the proposals. It is considered the concerns have been addressed by the applicant agreeing to a non-motorised delivery service that operates within the pre-existing hours of operation.

Human rights implications

36. 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.
37. This application has the legitimate aim of providing a delivery service. 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/2135-2 Application file: 16/AP/0166 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 4877 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	Simon Bevan, Director of Planning	
Report Author	Craig Newton, Planning Officer	
Version	Final	
Dated	14 April 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		14 April 2016

APPENDIX 1

Consultation undertaken

Site notice date: 10/02/2016

Press notice date: 04/02/2016

Case officer site visit date: 07/04/2016

Neighbour consultation letters sent: 05/02/2016

Internal services consulted:

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Hermits Cave 28 Camberwell Church Street SE5 8QU	14 Addington Square SE5 7JZ
24 Jephson Street London SE5 8SZ	4a Grove Lane London SE5 8SY
First Floor Flat 2 Grove Lane SE5 8SY	Hermits Cave 28 Camberwell Church Street SE5 8QU
4 Grove Lane London SE5 8SY	32-34 Camberwell Church Street London SE5 8QZ
Second Floor Flat 2 Grove Lane SE5 8SY	3 Jephson Street London SE5 8SZ
2 Jephson Street London SE5 8SZ	37 Jephson Street London SE5 8SZ
Living Accommodation 28 Camberwell Church Street SE5 8QU	39 Jephson Street London SE5 8SZ
2-4 Grove Lane London SE5 8SY	30 Camberwell Church Street London SE5 8QZ
18 Jephson Street London SE5 8SZ	Flat 2 26 Camberwell Church Street SE5 8QU
12 Jephson Street London SE5 8SZ	Second Floor Flat 2 Grove Lane SE5 8SY
1 Jermyn Street SW1Y 4UH	4 Grove Lane London SE5 8SY
Hermits Cave 28 Camberwell Church Street SE5 8QU	26 Camberwell Church Street London SE5 8QU
4a Grove Lane London SE5 8SY	First Floor Flat 2 Grove Lane SE5 8SY
29 Jephson Street London SE5 8SZ	First Floor Flat 26 Camberwell Church Street SE5 8QU
39 Jephson Street London SE5 8SZ	29 Jephson Street London SE5 8SZ
32-34 Camberwell Church Street London SE5 8QZ	6 Grove Lane London SE5 8SY
Second Floor Flat 2 Grove Lane SE5 8SY	1 Jephson Street London SE5 8SZ
4 Grove Lane London SE5 8SY	Flat 32-34 Camberwell Church Street SE5 8QZ
30 Camberwell Church Street London SE5 8QZ	2-4 Grove Lane London SE5 8SY
First Floor Flat 2 Grove Lane SE5 8SY	Living Accommodation 28 Camberwell Church Street SE5 8QU
6 Grove Lane London SE5 8SY	12 Jephson Street London SE5 8SZ
1 Jephson Street London SE5 8SZ	2 Jephson Street London SE5 8SZ
Flat 32-34 Camberwell Church Street SE5 8QZ	24 Jephson Street London SE5 8SZ
Living Accommodation 28 Camberwell Church Street SE5 8QU	27 Jephson Street London SE5 8SZ
12 Jephson Street London SE5 8SZ	17 Jephson Street London SE5 8SZ
2 Jephson Street London SE5 8SZ	18 Jephson Street London SE5 8SZ
24 Jephson Street London SE5 8SZ	19 Jephson Street London SE5 8SZ
18 Jephson Street London SE5 8SZ	15 Salisbury Place London SW9 6UW
19 Jephson Street London SE5 8SZ	2 Grove Lane Terrace Camberwell SE5 8SW
2a Grove Lane London SE5 8SY	By Email
By Email	By Email X
E-Mail X	By Email
	62e NeVERN Square London

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

None

Neighbours and local groups

None