

<b>Item No.</b> 1	<b>Classification</b> OPEN	<b>Decision Level</b> Planning Committee	<b>Date</b> 09/11/2004
<b>From</b> Interim Development & Building Control Business Unit Manager		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (04-AP-0391 )  Construction of single storey building to provide ancillary storage facilities to premises used as internet cafe.		<b>Address</b>  Rear of 'Eroma' 302 Walworth Road, SE17  <b>Ward</b> Newington	

### **PURPOSE**

- 1 To consider the above application. The Planning Committee is asked to determine the application which would normally be reserved to the Walworth Community Council for decision.
- 2 The Walworth Community Council considered the application at its meeting on 18th October 2004 but became inquorate during that consideration as a result of the number of Members declaring a personal interest or having previously expressed a decided view on the application. The Community Council was of the opinion that future meetings would also be likely to become inquorate for the same reasons. Consideration of the application by Planning Committee would be in accordance with paragraph 7 of the adopted terms of reference of the Planning Committee.
- 3 The application requires Member level decision because of the number of objections received.

### **RECOMMENDATION**

- 4 Grant Planning Permission

### **BACKGROUND**

- 5 The site is located on the western side of Walworth Road near the junction with Sutherland Walk. The proposed works are in the rear, north-west, corner of the site. The site of no. 302 includes land immediately to the rear of no.304. The premises are located within a Protected Shopping Frontage and adjoins the Sutherland Square Conservation Area which is to the west of the site. Residential properties are located to the rear of the site (facing Sutherland Walk) with similar commercial/residential properties on either side facing Walworth Road.
- 6 Permission was granted on appeal for the use of the ground floor of addition of hot food preparation to existing sandwich bar on 12 August 1998. The ground floor of the property is currently used as a sandwich bar with internet cafe as ancillary use.

- 7 The proposed building measures 4.4m. x 5.5m. with a height to parapet of 3.1 metres at the rear of the property. It is flat roofed. A 2m. wall on the western boundary and a 4m. wall on northern boundary will enclose the building. The building will be used for ancillary storage purposes [storage of computer equipment] for the internet cafe use. It has a floorarea of approximately 19sq. metres. There are two ways to access the rear of the site, one through the cafe from Walworth Road, the other by a side entrance from Sutherland Walk.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 8 The main issue in this case is the impact of the building on the amenity of neighbouring residents in terms of physical impact, traffic issues and use.

### **Planning Policy**

- 9 Southwark Unitary Development Plan 1995 [UDP]:

E2.3 'Aesthetic Control' - *Complies*

E3.1 'Protection of Amenity' - *Complies*

E4.3 'Proposals Affecting Conservation Areas'- *Complies*

S1.1 'Primary Shopping Frontage' - *Complies*

- 10 The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004

3.11 'Quality in Design' - *Complies*

3.2 'Protection of Amenity' - *Complies*

1.10 'Change of Use within Protected Shopping Frontage' - *Complies*

### **Consultations**

- 11 Site Notice: 29/6/2004 Press Notice: N/A

Consultees: 298, 300 ( plus Flats 1 to 5), 302 (Flats 1 to 3), 304 Walworth Road. 1 & 2 Butterworth Terrace, 1, 2, 3, 4, 5, 30, 31, 32, 34 & 36 Sutherland Walk.

Pollution Control, Noise etc, Traffic Group.

### **Replies from:**

#### First Consultation

- 12 12 Objections in the form of a petition were received from properties in Sutherland Walk, Butterworth Terrace and Sutherland Square. Issues raised in these objections relate to a storage and distribution centre (Class B8) being allowed in a residential and conservation area and the likely increase in traffic, filth and disturbance. A further issue was that the site notice only remained for three hours.
- 13 The above objections related to the first description of the proposed

development which indicated that the new building was for a separate and independent storage use within Class B8. This was incorrect as the building is to be used to provide ancillary storage for the existing use of the ground floor of 302 Walworth Road as an internet cafe/sandwich bar. In relation to the site notice, two were erected near the site, one out the front of 302 facing Walworth Road, the second on a sign post in Sutherland Walk opposite the site.

- 14 *A second consultation period that amended the description of the proposed works was sent out on 3 August 2004. The description was amended to clarify the proposed works as being storage ancillary to the existing internet cafe and not a separate Class B8 use.*

#### Second Consultation

- 15 36 Sutherland Walk - The works are an overdevelopment of the site and is not in keeping with the Sutherland Walk Conservation Area/Home Zone. The storage facility will result in increase traffic problems within Sutherland Walk.
- 34 Sutherland Walk - As the works will be separate from the existing building, access will be from Sutherland Walk which is a residential area. If the storage unit is used for food, this could result in a health hazard (increase in rodents).
- 30 Sutherland Walk - Delivery vehicles accessing the rear of the site will increase traffic, create blockage to the road (Sutherland Walk), increase noise and resulting in diminishing the residential area into a more commercial use. The storage facility is likely to attract rodents to the area and increase waste.
- 31 Sutherland Walk - Storage of food will lead to an increase in the existing rat problem and waste. Increase in traffic congestion, noise and disturbance in Sutherland Walk and the new storage facility could be used as a separate business. No objection if the works were extensions to the main building and ancillary to the main building and were entirely serviced from Walworth Road.
- 6 Sutherland Walk - Access and egress to the storage facility should be limited to Walworth Road to minimise impact on Sutherland Walk in terms of traffic, waste and noise.
- 4 Sutherland Walk - The storage unit will increase rodent problem, waste, traffic and noise, resulting in an erosion of the general amenity in the Sutherland Square Conservation Area. Question over accuracy of plans and whether the intended works are actually at No.300 Walworth Road.
- 1 Sutherland Walk - Access to the storage facility will likely be from Sutherland Walk resulting in increase traffic and noise within a residential area. The storage facility will increase the rodent problem. The size of the storage facility will overshadow adjoining properties.

Traffic Group: No Objection to the proposed works

Pollution Control, Noise etc: No Objection is the proposed works

#### **PLANNING CONSIDERATIONS**

- Physical impact of building on amenity.
- 16 Given the size of the proposed ancillary storage facility it is not considered that it will create a significant adverse impact upon nearby residential properties and will remain consistent with typical use of properties within this Protected

## Shopping Frontage.

- 17 With a height of 3.2 metres, the new storage unit will stand 1.1 metres above the existing rear boundary wall with No.1 Butterworth Terrace. Given the current outlook from No.1 Butterworth Terrace (2 metre boundary wall and 4 metre high rear wall of No.300), the additional 1.1 metre increase in height on the boundary is not considered significant and will not have such an unacceptable impact upon the outlook from this residential property as to justify refusal on this ground.
- 18 In terms of daylight, the existence of the two-storey building at No.304 to the south along with the dwelling at No.1 Butterworth Terrace will overshadow both the rear of No.302 and the rear of No.1 Butterworth Terrace throughout the day. As a result, the height of the storage unit along the boundary will not reduce daylight to the rear garden of adjoining residential properties.
- 19 The proposed erection of a storage facility at the rear of No.302, meets with Council guidelines for commercial properties without having a harmful affect on the character or appearance of the adjoining Conservation Area or nearby residential properties.

### Traffic issues.

- 20 It is not considered that this ancillary storage building will in itself result in a significant increase in traffic generation of commercial vehicles to the site. The premises currently have access from Walworth Road and via rear service from Sutherland Walk. Given this established rear service access it is not considered that a refusal on grounds of traffic generation and parking associated ewith this ancillary store room could be substantiated.

### Use of the building.

- 21 The precise use of the building has been clarified as ancillary storage connected with the internet cafe. In planning law terms the proposed building would take on the primary use rights of the premises, namely an internet cafe. Within the primary use the actual disposition of uses is outside of the control of the local planning authority. Although the applicant has stated that the building will be used for the storage of computers and software for the internet cafe the building could be used for any purpose within the lawful use of the premises including the storage of anything ancillary to the internet cafe use.
- 22 A separate use of the proposed building other than as part of and ancillary to the internet cafe use of no. 302 would consitute a material change of use requiring planning permission.
- 23 Objections have been raised in respect of an increase in waste and associated rodent problems. A condition can be imposed to require details of refuse storage facilities for the premises as a whole to be submitteed and approved by the Council. Rodent infestation problems are a matter for the Council's Environmental Health service.

## **EQUAL OPPORTUNITY IMPLICATIONS**

- 24 None applicable.

## **LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

- 25 It is not considered that the development will have a serious harmful effect on the quality of life of nearby residents.

LEAD OFFICER	James F Sherry	Interim Development and Building Control Manager
REPORT AUTHOR	Scott Schimanski	Planning Officer [tel. 020 7525 5365 ]
CASE FILE	TP/1065-300	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5402]	