

Walworth Community Council

Wednesday 8 September 2010

7.00 pm

InSpire at St Peter's, Liverpool Grove, SE17 2HH

Addendum Report

List of Contents

Item No.	Title	Page No.
7.	Addendum Report	1 - 4

Contact

on 020 7525 7385 or email: alexa.coates@southwark.gov.uk
Webpage:

Date:

Agenda Item 7

Item No:	Classification	Committee:	Date:
	Open	Walworth Community Council Committee	8 Sept 2010
From:		Title of Report:	
Head of Development Management		Addendum Late observations, consultation responses, information and revisions.	

PURPOSE

- 1 To advise Members of observations, consultation responses and information/revisions received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

- 2 That Members note and consider the late observations, consultation responses and information/revisions received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning application on the main agenda:

3.1 ITEM 2 UNIT 32 GARLAND COURT, 26A WANSEY STREET (AKA 14 WANSEY STREET), LONDON, SE17 1LH

Shopfront Application 10-AP-1674

Further representations have been received since the writing of the main report. These are summarised below:

One letter of objection from Flat 4 Garland Court – Any noise and vibration from roller shutters whether internal or external would cause disturbance; roller shutters would not be in keeping with the building; not required externally as there is little of evidence of vandalism in the area; possibly attract graffiti.

One letter of objection from Flat 9 Garland Court – By using the same materials as the host building's windows, this shopfront design relates successfully to Garland Court and therefore an improvement on the previous application; however projecting sign inappropriate on what is a predominantly a residential building; it will damage the appearance of the building as well as resident's amenity; external shutters regrettable and no clear how it will work and how it will affect the appearance; the 'tube and link' type referred in the Design and Access Statement would be most appropriate; refuse storage facilities not sufficient for the commercial use damaging the character of the street and impeding access.

One letter of objection from Flat 15 Garland Court – The new shop front should be wide windows with satin glass and black frames – other designs are not suitable for Garland Court.

One letter of objection from Flat 17 Garland Court – Concerned to the noise and disruption of the development; concerned that this will not be in the design of the Garland Court and look out of place; opposed to the use as nail bar as there are enough on the High Street.

One letter of objection from Flat 21 Garland Court – A nail bar is inappropriate in a quiet residential street due to traffic and parking requirements causing nuisance to residents.

One letter of objection from Flat 23, Garland Court – concern over the use of roller shutters, no details about whether a manual or powered mechanised will be used and may result in noise disturbance to residents above; no arrangements have been made for storage and collection of waste and recyclables and this is being ignored; suggest that there is room for the unit to share the same recycling storage as residents if it is properly used; pleased proposal now take into account the overall appearance of Garland Court and quality of material an improvement over the first attempt.

One letter of objection from Flat 28 Garland Court – Shutters would create noise and affect residents; shop front has been poorly constructed and built in an ad hoc piecemeal manner out of keeping with the building.

One letter of objection from Southern Housing Group – Southern Housing Group (SHG) is the freeholder and landlord of the premises; applicant's non-compliance with their lease and SHG seeking to re-possess the property; lease between applicant and SHG requires the applicants to obtain planning approval and applicants have constructed exterior without doing so; concerns over the inferior quality of the materials used on the current shop front; no regard to building control; potentially dangerous work practices; installing existing exterior without Southern Housing approval or planning approval; no reason to believe given applicant's behaviour that the existing unapproved structure would be demolished and install new shop front; applicant has insufficient funds to engage qualified trades people to undertake work; believe that the applicant is likely to gain planning approval as an attempt to avoid the removal of the current structure due to insufficient funds; applicant should demonstrate they have the technical skills, qualifications and knowledge of Health and Safety standards; any roller shutter would not receive approval from Southern Housing and adversely impact on building design; there is no evidence to suggest there is vandalism; applicant has not considered other security options other than shutters; not clear whether the shutters will be colour coordinated with the rest of the building; shutters would attract vandalism and anti-social behaviour and require condition to keep the shutter in a clean and well-maintained state; the 'rounding off' of the corner disrupts the design of the building and would interfere with operation of security gate seek a condition to require all window and door frames to be of same materials, colour and quality as those used by the Garland Court residential development; no information on window; concerns over the internal layout not complying with Building Regulations (staircase); lack of fire detection systems; potential to use the two floors as live/work unit; opening hours are unreasonable and contradicts to the hours requested by applicants in their license.

Response to comments

Most of the above points relating to design and appearance have been covered in the main report.

Objection was received from SHG that there was a lack of information from applicant that there was vandalism in the area. Whilst this is the case, conversations with the Metropolitan Police Crime Prevention Design Advisor in the previous withdrawn application confirm that there are higher levels of crime and vandalism in the area.

Objection was raised regarding the 'rounding off' of the corner and its impact on the appearance of the main building. The plans however indicate that this corner would be 'squared' off and therefore would satisfy this comment by objectors.

A number of objections relate to matters outside of planning control such as Health and Safety standards and the applicant's behaviour, which are not material planning consideration. The current works as pointed out by neighbours do not have the benefit of Building Regulation approval. It is not clear whether this is the case, but this is beyond the Local Planning Authority's responsibility. It appears however that an application has been submitted to the Council's Building Control department, but no completion certificate has yet been issued. An informative

will be imposed to remind the applicant that Building Regulations Approval may be required for such works. Given that the existing shop front does not have benefit of planning permission and the state and appearance of this ground floor unit is poor, it is recommended that a condition be imposed to ensure that the proposed works are carried out within 6 months of the date of the decision.

Concerns were raised relating to the opening hours outside of the hours licensing hours. Again, this is not part of the assessment of this application and is also controlled under licensing laws. There were no conditions in the original permission that restricts the operation hours.

Concerns were raised that the nail bar would be inappropriate for this residential street. However, this application does not concern the use as it has already been established in the original planning permission.

SHG also objected to the proposal due to the applicant's non-compliance with their lease. Again, this is a civil matter between the freeholder (SHG) and the applicant and is not a material planning consideration.

In relation to the concern raised about the potential impacts in terms of noise from the operation of the roller shutter, officers have spoken to the Environmental Protection Team (EPT). They have advised that in their experience roller shutters can be problematic as if they are opened too quickly, especially during evening hours; they can be noisy and can harm the amenity of adjoining residential occupiers.

In this instance the hours of the operation of the shop unit cannot reasonably be restricted, since the application is for a shopfront and shutter only and as the retail use was permitted under the previous 2004 consent, which did not restrict the opening hours of the permitted retail unit.

Officers have considered whether it would be reasonable to restrict the times during which the shutter may be opened or closed, but this is not considered to be reasonable since if the shutter is operated normally it should not cause any nuisance.

EPT have advised that if complaints were received about the operation of the roller shutter, a S80 Noise Nuisance Notice under the Environmental Protection Act 1990 (EPA 1990) can be served by Environmental Protection. It is considered that since there is an appropriate remedy in the event of any noise nuisance, the potential impacts of the scheme could not be considered to be so harmful as to warrant refusal of the application.

Recommendation

An informative should be added to the recommendation to make it clear what the permitted noisy hours of work are for the installation of the shopfront, as follows:

Informatives

1. Please be advised that under the Control of Pollution Act 1974, on construction sites the limit to the times during which developers are permitted to make noise that their neighbours can hear are as follows:

- Monday to Friday - 8am to 6pm
- Saturdays - 8am to 1pm
- Sundays and Bank Holidays - no noisy activities allowed

The applicant should comply with these hours in relation to the installation of the shopfront which is hereby permitted.

2. Please be advised that any necessary consents under the Building Regulations should be applied for and complied with in relation to the development of this site, in addition to any necessary planning consent.

Conclusion

The further representations raised above do not raise any new substantive issues and the recommendation remains to grant planning permission.

REASON FOR LATENESS

- 4 The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

- 5 Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Sub-Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting.

RESOURCE IMPLICATIONS

- 6 These are contained in the report.

EQUAL OPPORTUNITY IMPLICATIONS

- 7 These are contained in the report.

LOCAL AGENDA 21 (Sustainable Development) IMPLICATIONS

- 8 These are contained in the report.

Lead Officer: Gary Rice Head of Development Management

Background Papers: Individual case files.

Located at: Council Offices 5th floor, 160 Tooley Street, London SE1 2TZ