

Camberwell Community Council Planning

Monday 12 December 2011
7.00 pm

The Albrighton Centre, 37 Albrighton Road, London SE22 8AH

Membership

Councillor Norma Gibbes (Chair)
Councillor Dora Dixon-Fyle (Vice-Chair)
Councillor Kevin Ahern
Councillor Stephen Govier
Councillor Peter John
Councillor the Right Revd Emmanuel Oyewole
Councillor Veronica Ward
Councillor Mark Williams
Councillor Ian Wingfield

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Friday 2 December 2011



Order of Business

- | Item No. | Title |
|----------|--|
| 1. | INTRODUCTION AND WELCOME |
| 2. | APOLOGIES |
| 3. | DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS |

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

Item No.	Title	Time
4.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
5.	MINUTES (Pages 5 - 7)	
	To confirm as a correct record the minutes of the meeting held on 15 November 2011.	
6.	DEVELOPMENT MANAGEMENT ITEMS (Pages 8 - 12)	
	6.1. 110 WYNDHAM ROAD, LONDON, SE5 0UB (Pages 13 - 29)	

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk
Website: www.southwark.gov.uk

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If you are a resident of the borough and have paid someone to look after your children or an elderly or disabled dependant, so that you can attend this meeting, you may claim an allowance from the council. Please collect a claim form from the Constitutional Officer at the meeting.

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Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abínibí re, jọwọ tẹ wa l'aago si ori nombá yi i : 020 7525 7385 tabi ki o yaju si awon òṣiṣé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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Planning at Community Council Meetings

This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

1. A representative (spokesperson) for the objectors - if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
2. The applicant or their agent
3. A representative for any supporters who live within 100 metres of the development site
4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

The arrangements at the meeting may be varied at the discretion of the Chair.



CAMBERWELL COMMUNITY COUNCIL -Planning -

MINUTES of the Camberwell Community Council held on Tuesday 15 November 2011 at 7.00 pm at Albrighton Community Centre, 37 Albrighton Road, East Dulwich Estate, London SE22 8AH

PRESENT: Councillor Norma Gibbes (Chair)
Councillor Dora Dixon-Fyle (Vice-Chair)
Councillor the Right Revd Emmanuel Oyewole
Councillor Mark Williams
Councillor Ian Wingfield

**OFFICER
SUPPORT:** Vikki Lewis, Planning Officer
Sadia Hussain, Legal Officer
Beverley Olamijulo, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed councillors and officers to the community council meeting.

2. APOLOGIES

There were apologies for absence from Councillors Kevin Ahern, Veronica Ward and Peter John.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Supplemental agenda which contained the minutes for 8 September 2011 planning meeting
- Addendum report relating to items 6.1 - development management items

5. MINUTES

RESOLVED:

That the minutes for the meetings held on 8 September 2011 and 4 October 2011 were agreed as correct records and signed by the chair.

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 114 - 118 CROFTON ROAD, LONDON SE5 8NA

Planning application reference number 11-AP-0296

PROPOSAL

Replacement of existing single glazed crittal windows and French doors with double glazed PVC - u windows and French doors.

The planning officer introduced the reports and circulated site plans. The officer drew members' attention to the addendum report which contained late comments with regard to the application.

There were no objectors present.

The applicant and the applicant's agent were not present.

There were no local supporters present and no ward councillors who wished to speak in their capacity as ward members.

Members discussed the application.

RESOLVED:

That planning application 11-AP-0296 be granted subject to conditions as set out in the report.

6.2 59 - 75 CROFTON ROAD, LONDON SE5 8LY

Planning application reference number 11-AP-0295

PROPOSAL

Replacement of single glazed crittal windows and double glazed upvc casement windows

and replacement of existing timber doors with upvc doors.

The planning officer introduced the reports and circulated site plans.

There were no objectors present.

The applicant and the applicant's agent were not present.

There were no local supporters present and no ward councillors who wished to speak in their capacity as ward members.

Members discussed the application.

RESOLVED:

That planning application 11-AP-0295 be granted subject to conditions as set out in the report.

The meeting ended at 7.10 pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 12 December 2011	Meeting Name: Camberwell Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All within the Camberwell Community Council area	
From:		Deputy Chief Executive	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community Impact Statement

14. Community Impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of communities, law and governance, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another

appropriate enactment as shall be determined by the strategic director of communities, law & governance. The planning permission will not be issued unless such an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Section 106 of the Town and Country Planning Act 1990 as amended introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 - I. restrict the development or use of the land;
 - II. require operations or activities to be carried out in, on, under or over the land;
 - III. require the land to be used in any specified way; or
 - IV. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	1 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE CAMBERWELL CC
on Monday 12 December 2011

Appl. Type Full Planning Permission
Site 110 WYNDHAM ROAD, LONDON, SE5 0UB

Reg. No. 11-AP-2382

TP No. TP/2013-108

Ward Camberwell Green

Officer Fennel Mason

Recommendation GRANT PERMISSION

Proposal

Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.

Item 6.1

Ordnance Survey

Date 1/12/2011



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Item No. 6.1	Classification: OPEN	Date: 12 December 2011	Meeting Name: Camberwell Community Council
Report title:	Development Management planning application: Application 11-AP-2382 for: Full Planning Permission Address: 110 WYNDHAM ROAD, LONDON, SE5 0UB Proposal: Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.		
Ward(s) or groups affected:	Camberwell Green		
From:	Head of Development Management		
Application Start Date 02 August 2011		Application Expiry Date 27 September 2011	

RECOMMENDATION

- 1 To grant planning permission. This application is referred to Community Council owing to the number of objections received.

BACKGROUND INFORMATION

Site location and description

- 2 The subject site is located to the northern side of Wyndham Road, approximately 20m to the west of the intersection of Toulon Street, and opposite the intersection with Redcar Street. The commercial unit is presently unoccupied.
- 3 The application site occupies the ground floor of the premises and there is residential above. The area is otherwise predominantly characterised in residential use, although the St Michaels and All Angels Academy School is located to the immediate west of the site.
- 4 The site is located within an Air Quality Management Area, the Urban Density Zone and the Camberwell Action Area. The site is not located within the setting of any conservation area or listed building.

Details of proposal

- 5 Planning permission is sought for a change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the side flank (western) elevation, exiting above the existing roofline.
- 6 The proposed development would include storage space for refuse and recycling to the rear of the premises at ground floor level.
- 7 The applications seeks permission to operate between the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week), as stated within the application form.

Planning history

- 8 Planning application (10-AP-2136) was sought for the change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the front elevation. The application was withdrawn in October 2010 as it was likely to be refused given the impact on neighbouring occupiers (upstairs) from noise and odour disturbance because the extraction unit would have exited to the front elevation below residential windows.
- 9 The difference between the previous application (10-AP-2136) and this current application is the change of the extraction unit, which now proposes a duct to the flank elevation of the building, as opposed to below residential windows at the front.

Planning history of adjoining sites

- 10 St Michaels and all Angels Academy on Wyndham Road

11-AP-2946) for the 'Demolition of the existing school buildings, church and games court and erection of a part two, part three storey secondary school building for St Michaels and all Angels Academy on Wyndham Road, a three storey special needs school for Highshore School on Farmers Road, and a two storey sports block for St Michael and All Angels Academy on Pitman Street, plus external play space, including multi-use games area, car parking, servicing and new church on Wyndham Road'. Planning permission was granted on 2nd November 2011.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
 - a) the principle of the proposed development in terms of landuse
 - b) the impact on the amenities of neighbouring occupiers
 - c) the impact on the functioning of the transportation network
 - d) visual impact of the duct

Planning policy

- 12 Core Strategy 2011

Policy 3 'Shopping, Leisure and Entertainment'
 Policy 12 'Design and Conservation'
 Policy 13 'High Environmental Standards'

- 13 Southwark Plan 2007 (July) - saved policies

1.10 'Small scale shops and services outside the town and local centres and protected shopping frontages'
 3.1 'Environmental Effects'
 3.2 'Protection of amenity'
 3.6 'Air quality'
 3.7 'Waste reduction'
 3.12 'Quality in design'

5.2 'Transport impacts'
5.3 'Walking and cycling'

14 London Plan 2011

None considered to be directly relevant.

15 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

PPG24: Planning and Noise
Draft National Planning Policy Framework

Principle of development

16 Saved policy 1.10 of the Southwark Plan states that outside town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A use classes or from A use classes to other uses, when the applicant can demonstrate that:

i) The proposed use would not materially harm the amenities of surrounding occupiers;

17 Refer to the amenity section of this report.

and

ii) The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades;

18 There is another A1 use at 98-100 Wyndham Road (Foodlink superstore) which is within approximately 36m of the site therefore the proposal complies with part ii of the policy.

or

iii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.

19 No information has been submitted with regard to profits or vacancy, although it is noted that the wording of policy 1.10 is such that the proposal need only comply with part ii *or* part iii, not both. It is noted however, that a letter from Marble Sales and Lettings has been submitted with the application which states that they have been actively trying to let the shop since September 2006, but owing to the market downturn and the current situation of the premises they have been unsuccessful in trying to rent it out.

20 In light of the above, there are no objections in principle to change of use from A1 to A5 in landuse terms.

Environmental impact assessment

21 Not required with the scale and nature of the development proposed.

Amenity

22 The Environmental Protection Team has assessed the application documents and diagrams and are satisfied that the development would not cause material harm to the amenity of neighbouring occupiers, subject to the imposition of suitable conditions.

- 23 The application shows a kitchen range canopy and odour extraction system with flue to a high level discharge, above the existing roof. The Environmental Protection Team consider that this would satisfactorily filter and disperse cooking fumes provided that the proposed carbon filter is installed (PlasmaClean Xract2100 using copper activated carbon filter) and that a tapered cowl is fitted at the top of the duct (rather than a 'chinamans hat' which is more triangular in shape), and it is recommended that this be secured by a planning condition.
- 24 Furthermore, in terms of plant noise and vibration, the Environmental Protection Team are satisfied that the extraction equipment has been designed to ensure that the plant noise would be 10dBA below the background noise level which would ensure there would be no loss of amenity as a result of plant noise. A condition is recommended to secure this, including that a compliance test be undertaken after installation.
- 25 There is also potential that noise from the commercial kitchen may impact on the residents living directly above the premises, therefore in order to protect these neighbouring occupiers, it is recommended that a condition is imposed to protect their amenity. This condition would ensure that any walls or floors sharing a party element with any residential use would need to be designed and constructed to provide reasonable resistance to sound.
- 26 For these reasons, it is considered that any potential impact on neighbouring occupiers relating to odour, vibration and noise from the operation of the unit can be adequately addressed through conditions.
- 27 However, concern was also raised by neighbouring occupiers regarding the hours of operation, and potential noise and disturbance from late night operation in particular.
- 28 The proposed use is seeking permission to operate between the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week).
- 29 It is considered that a 22:30pm closing time would be an appropriate closing time for such a use on a reasonably busy road, and would therefore not have a material impact on the amenity of neighbouring occupiers. Should consent be granted, then it is recommended that a condition is imposed restricting these hours of operation.
- 30 One of the neighbouring occupiers raised concern that the proposed development is located immediately adjoining a possible future church, on the school site for which planning permission was recently granted (11-AP-2946).
- 31 However, it is considered that given the church would be located approximately 8m from the application site, there would be no maintenance or functioning complications arising from the proposed development. The applicant has advised that the duct would be within their site.
- 32 Overall, for the reasons set out above, it is considered that subject to the imposition of conditions, the proposed development would not have a detrimental impact on the amenity of neighbouring occupiers.

Traffic issues

- 33 The application site is located within an area with high (level 5) Public Transport Accessibility Level (PTAL) and is also located within a Controlled Parking Zone (CPZ). No off-street parking places are proposed and there is a potential risk that the operational use of the site may increase the demand for on-street parking places.

- 34 Whilst car parking demand is already relatively high within this area, it is not considered that the proposed use would result in an increased demand when compared with a retail use, particularly as its catchment is likely to be local and given the modest size of the unit.
- 35 In terms of the increased traffic movements from future customers and the associated impact on the functioning of the transportation network, normal car parking restrictions would need to be adhered to, including those on-street car parking spaces immediately outside the site. Failure to do so would likely result in parking enforcement involvement.
- 36 With regard to servicing / deliveries, it is considered that the scale and nature of the use would not generate a significant number of deliveries each week. Servicing would have to take place on-street, as existing, and would have to comply with on-street restrictions. The applicant has confirmed that there would be no home delivery service provided and the application has been assessed on this basis. Given that provision of a delivery service could result in transport and amenity impacts and no details have been provided as to how this would be managed, a condition is recommended preventing home deliveries from being offered and the applicant has confirmed that this would be acceptable.
- 37 For these reasons, it is not considered that the proposed development would have any material impact on the functioning of the transportation network.

Design issues

- 38 In terms of design, the only external alterations sought to the host building is the installation of the extraction flue to the flank wall of the building.
- 39 It is not considered that this extraction flue, being approximately 30cm in width, would cause material harm to the character or appearance of the host building, or its wider setting.

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

- 40 The site is not located within the setting of any listed building or conservation area.

Waste

- 41 The application plans show an area to the rear to provide storage for refuse and recycling, and a note that all material is to be disposed by a licensed trade waste disposal company.
- 42 Given the site constraints it is considered that the location for the refuse and recycling storage is acceptable, however, should consent be granted, it is recommended that further details (method of storage, size and number of bins) of the refuse and recycling storage should be provided, in addition to further information relating to collection.

Impact on trees

- 43 None.

Planning obligations (S.106 undertaking or agreement)

- 44 None.

Sustainable development implications

- 45 There are no sustainable development implications associated with the development.

Other matters

- 46 One neighbouring occupier raised concern that there were inaccuracies or errors within the application documents. Most of these are considered to be subjective differences of opinion, however some aspects were factual errors. The application was assessed on the merits of the scheme and little weight was given to subjective comments, and no weight given to factual errors.

Conclusion on planning issues

- 47 Overall, for the reasons detailed above, it is considered that subject to the imposition of appropriate conditions, the proposal would comply with the relevant policies in the Southwark Plan and the Core Strategy and that planning permission should be granted.
- 48 Regard has been had to the draft National Planning Policy Framework (NPPF), which was published at the end of July 2011 for consultation until 17 October 2011. In this document the Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 49 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight). The proposal would bring a vacant retail unit into active use, offering employment opportunities and providing a service for local people. It is considered that any potential adverse impacts with regard to noise and cooking odours can be adequately mitigated through planning conditions.

Community impact statement

- 50 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

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

Consultation replies

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

53 Summary of consultation responses

- 54 A total of 5 neighbouring occupiers have objected to the proposed development, being occupiers of:

- 7 Lady May House, Wyndham Road
- 22 Carey Court, 101 Wyndham Road
- 2 Harlynwood, Wyndham Road
- No Address Provided x 2

55 The concerns raised are summarised as follows:

Amenity

- 56 There are already problems with rubbish and vermin associated with the 24 hour corner shop on Wyndham Road, which also causes disruption from the hours of operation and noise.
- 57 A hot food shop will add to the problem of rubbish, vermin and noise (and vibration) disturbance including gangs of youths hanging around. There is a risk of anti-social behaviours which includes knife crime.
- 58 There is no place for storage of food waste on the premises aside outside the front of the shop, which would disturb functioning of the footpath. Waste collection is proposed to the rear where there is no access for large vehicles.
- 59 The installation of the duct will take cooking fumes right into the flats above the shop, as well as other neighbouring sites. The flue may impact on future development on the neighbouring school site, with complications arising for maintenance and operation.
- 60 The extraction flue up the site of the flank wall will look out of place.
- 61 There are already numerous hot food takeaway establishments within a 10 minute walk and there is no need for another.

Health

- 62 This type of premises will encourage students to leave the school and eat there, creating concerns around obesity and nutrition.
- 63 Agreement with Thames Water regarding food and fat waste blocking the sewer system.

Consultation

- 64 In terms of consultation, concern was raised that the site notice was placed on a lamppost outside the adjoining site.
- 65 The site notice was removed from the lamppost, and the statutory consultation period should be extended.

Change from previous application

- 66 There has been little or no change since the previous application/s were refused.

Inaccuracies within the application

- 67 One neighbouring occupier raised concerns that there are errors within the Design and Access Statement. Many of these errors are considered to be differences of opinion, although there are some factual errors also.

68 The Camberwell Society

69 At first reading a duct to the front elevation sounds ridiculous, with flats above, but the drawings clearly show the duct to the side. Whether the tenant has the right to oversail the adjoining land for the duct is a legal matter on which we cannot comment.

70 Whilst correspondence includes objectors to the idea of a take-away due to discarded rubbish, and attracting groups of people hanging around, there is no other takeaway in the immediate vicinity on this busy through road and on that basis it would seem unobjectionable.

71 Thames Water

Thames Water recommends the installation of a properly maintained fat trap to be installed, and furthermore, that in line with best practice the collection of waste oil by a contractor. These measures are recommended to avoid potential for blocked drains, sewage flooding and pollution to local water courses.

Human rights implications

72 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.

73 This application has the legitimate aim of providing a hot food takeaway. 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**

74 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2013-108 Application file: 11-AP-2382 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5470 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Fennel Mason, Planning Officer	
Version	Final	
Dated	25 October 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team		01 December 2011

Consultation undertaken

75 Site notice date:

19 August 2011

Press notice date:

N/A

Case officer site visit date:

23 August 2011

Neighbour consultation letters sent:

23 August 2011

Internal services consulted:

Environmental Protection Team
Transportation Team

Statutory and non-statutory organisations consulted:

Thames Water

Neighbours and local groups consulted:

Neighbour Consultee List for Application Reg. No. 11-AP-2382

TP No	TP/2013-108	Site	110 WYNDHAM ROAD, LONDON, SE5 0UB
App. Type	Full Planning Permission		

Date Printed	Address
23/08/2011	5 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	4 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	6 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	8 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	7 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	11 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	10 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	12 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	3 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	2 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	FLAT 19 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	FLAT 14B LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	20 Luxor Street London SE5 9QN
23/08/2011	108 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	9 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE
23/08/2011	THE WINDMILL 98-100 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	FLAT 14A LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011	ST MICHAEL AND ALL ANGELS ACADEMY WYNDHAM ROAD LONDON SE5 0UB
23/08/2011	1 HARLYNWOOD WYNDHAM ROAD LONDON SE5 0UE

23/08/2011 FLAT 12 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 11 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 14 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 16 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 15 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT ABOVE THE WINDMILL 98-100 WYNDHAM ROAD LONDON SE5 0UB
23/08/2011 FLAT 10 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 1 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 6 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 5 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 7 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 9 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 8 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 18 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 17 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 2 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 4 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
23/08/2011 FLAT 3 LADY MAY HOUSE WYNDHAM ROAD LONDON SE5 0TT
20/06/1837 via email
20/06/1837 via email X
20/06/1837 via email XXXX
20/06/1837 22 Carey Court 101 Wyndham Road London SE5 0UX
20/10/2011 by e-mail XXXX

Re-consultation:

Site Notice 20 September 2011 and Neighbour Consultees 10 October 2011 following an error in the description of development stated that the duct would be at the front of the building.

Consultation responses received

Internal services

- 76 Environmental Protection Team - does not object to the development, subject to the imposition of conditions.
- 77 Transportation Team - does not object to the development.

Statutory and non-statutory organisations

- 78 Thames Water - recommended a condition is imposed to avoid potential blocked drains, sewage flooding or pollution to water courses.

Neighbours and local groups

- 79 A total of 5 neighbouring occupiers have objected to the proposed development, being occupiers of:
- 7 Lady May House, Wyndham Road
 - 22 Carey Court, 101 Wyndham Road
 - 2 Harlynwood, Wyndham Road
 - No Address Provided x 2

- 80 The concerns raised are summarised as follows:

Amenity

- 81 There are already problems with rubbish and vermin associated with the 24 hour corner shop on Wyndham Road, which also causes disruption from the hours of operation and noise.
- 82 A hot food shop will add to the problem of rubbish, vermin and noise (and vibration) disturbance including gangs of youths hanging around. There is a risk of anti-social behaviour which includes knife crime.
- 83 There is no place for storage of food waste on the premises aside outside the front of the shop, which would disturb functioning of the footpath. Waste collection is proposed to the rear where there is no access for large vehicles.
- 84 The installation of the duct will take cooking fumes right into the flats above the shop, as well as other neighbouring sites. The flue may impact on future development on the neighbouring school site, with complications arising for maintenance and operation.
- 85 The extraction flue up the site of the flank wall will look out of place.
- 86 There are already numerous hot food takeaway establishments within a 10 minute walk and there is no need for another.

Health

- 87 This type of premises will encourage students to leave the school and eat there, creating concerns around obesity and nutrition.
- 88 Agreement with Thames Water regarding food and fat waste blocking the sewer system.

Consultation

- 89 In terms of consultation, concern was raised that the site notice was placed on a lamppost outside the adjoining site.
- 90 The site notice was removed from the lamppost, and the statutory consultation period should be extended.

Change from previous application

- 91 There has been little or no change since the previous application/s were refused.

Inaccuracies within the application

- 92 One neighbouring occupier raised concerns that there are errors within the Design and Access Statement. Many of these errors are considered to be differences of opinion, although there are some factual errors also.

The Camberwell Society

- 93 At first reading a duct to the front elevation sounds ridiculous, with flats above, but the drawings clearly show the duct to the side. Whether the tenant has the right to oversail the adjoining land for the duct is a legal matter on which we cannot comment.
- 94 Whilst correspondence includes objectors to the idea of a take-away due to discarded rubbish, and attracting groups of people hanging around, there is no other takeaway in the immediate vicinity on this busy through road and on that basis it would seem unobjectionable.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr Y. Khan	Reg. Number	11-AP-2382
Application Type	Full Planning Permission	Case Number	TP/2013-108
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.

At: 110 WYNDHAM ROAD, LONDON, SE5 0UB

In accordance with application received on 15/07/2011

and Applicant's Drawing Nos. Site plan x 2, 01 Rev B, 02 Rev B, Standard Specs / Details

General Specification for Extraction System
Plasma Clean Xtract System
Design and Access Statement

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Strategic Policies of the Core Strategy [2011]:

Policy 3 'Shopping, Leisure and Entertainment' seeks to provide a wide range of shops, services and facilities.

Policy 12 'Design and Conservation' which requires the highest possible standards of design for buildings and public spaces.

Policy 13 'High Environmental Standards' which requires developments to meet the highest possible environmental standards.

b] Saved Policies of the Southwark Plan [2007]:

Policy 1.10 (Small scale shops and services outside the town and local centres and protected shopping frontages) seeks to protect A class uses outside town centres.

Policy 3.1 (Environmental effects) seeks to ensure that there will be no material adverse effect on the environment and quality of life arising from the new development.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.6 (Air quality) advises that permission will not be granted for development that would leave to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments should provide a good standard of refuse and recycling storage and disposal.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 5.2 (Transport impacts) states that development which would create impacts on the transportation environment will not be granted.

Policy 5.3 (Walking and cycling) encourages the use of cycling and walking as alternative modes of transport.

c] Planning Policy Guidance [PPG] 24: Planning and Noise

Particular regard was had to the potential impact to the character and appearance of the host building and potential impact on the amenities of adjoining occupiers, however it was considered that the development was sufficiently designed to avoid or mitigate such impacts, subject to the imposition of conditions. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

1 The development hereby permitted shall be begun before the end of three years from the date of this

permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 01 Rev B, 02 Rev B, General Specification for Extraction System and Plasma Clean Xtract System (documents).

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted for hot food takeaway (A5 use) purposes shall not be carried on outside of the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week).

Reason:

To ensure the protection of amenity for neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Dwelling houses, flats and rooms for residential purposes sharing a party element with the premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the commercial premises. Any scheme approved is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results submitted to the Local Planning Authority for approval in writing.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 All of the extraction and ventilation equipment detailed in the application including the extract duct with tapered cowl and a copper activated carbon filter shall be installed and fully operational prior to the commencement of the use hereby permitted, and shall be maintained as such thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of odour nuisance from the kitchen extraction system in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, a further noise report shall be submitted to the Local Planning Authority for approval in writing confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- i) The lowest existing $L_{A90, T}$ measurement as already established.
- ii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, strategic policy 13 'High Environmental Standards' of the Core Strategy 2011 and PPG24: Planning and Noise.

- 7 The use hereby permitted shall not be commenced before details of the arrangements for the storing (including details of the enclosure, location and number/size of bins) and collection of refuse have been submitted to and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason:

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policies 3.2 'Protection of Amenity' and 3.7 'Waste reduction' of The Southwark Plan and strategic policy 13 'High Environmental Standards' of the Core Strategy.

- 8 Prior to the commencement of the development the applicant shall install and properly maintain a fat trap at the premises, and in line with best practice for the disposal of Fats, Oils and Greases (within the document 'Best Management Practices for Catering Establishments') the occupier shall ensure suitable collection of waste oil by a contractor.

Reason:

To avoid potential for blocked drains, sewage flooding and pollution to local water courses in accordance with saved policies 3.1 'Environmental effects' and 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

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MUNICIPAL YEAR 2011- 2012

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NOTE: Original held by Community Councils Team; amendments to Beverley Olamijulo (Tel: 020 7525 7234)

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