

Walworth Community Council Planning

Wednesday 21 March 2012

7.00 pm

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

Membership

Councillor Martin Seaton (Chair)
Councillor Darren Merrill (Vice-Chair)
Councillor Catherine Bowman
Councillor Neil Coyle
Councillor Patrick Diamond
Councillor Dan Garfield
Councillor Lorraine Lauder MBE
Councillor Abdul Mohamed
Councillor Helen Morrissey

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Acting Chief Executive

Date: Tuesday 13 March 2012



Order of Business

- | Item No. | Title |
|----------|--------------------------|
| 1. | INTRODUCTION AND WELCOME |
| 2. | APOLOGIES |

Item No.

Title

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.

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 1 - 7)

To confirm as a correct record the minutes of the meetings held on 27 July 2011 and 16 February 2012.

6. DEVELOPMENT MANAGEMENT (Pages 8 - 12)

6.1. 181-183 WALWORTH ROAD, LONDON SE17 1RW (Pages 13 - 28)

Grant planning permission.

Date: Tuesday 13 March 2012

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Gerald Gohler, Constitutional Officer, Tel: 020 7525 7420
or email: gerald.gohler@southwark.gov.uk
Website: www.southwark.gov.uk

ACCESS TO INFORMATION

On request, agendas and reports will be supplied to members of the public, except if they contain confidential or exempted information.

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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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Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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Walworth Community Council

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Somali:

U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7385 ama booqasho ugu tag hawladeennada ku sugan 160 Tooley Street, London SE1 2TZ

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আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7385 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

Yoruba:

Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò ti Àwùjò ti a yi pada si ede abíní re, jọwọ tẹ wa l'aago si ori nombá yi i : 020 7525 7385 tabi ki o yo ju si awon òṣiṣẹ ni ojúlẹ 160 Tooley Street , London SE1 2TZ .

Igbo:

Asusu

I choo imata gbasara Council na asusu gi ikpoo ha n'okara igwe 020 7525 7385 ma obu igaa hu ndi oru ha na 160 Tooley Street, London SE1 2TZ

Krio:

Na oose language you want

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Twi:

Kasaa ohohia,

se wopese wo hu nsem fa Community Councils ho a, sesa saakasa yie ko wo kuro kasa mu. wo be tumi afre saa ahoma torofo yie 020 7525 7385 anase ko sra inpanyinfo wo 160 Tooley Street, London SE1 2Tz.

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.



WALWORTH COMMUNITY COUNCIL - Planning -

MINUTES of the Walworth Community Council held on Wednesday 27 July 2011 at 7.00 pm at InSpire at St Peter's, Liverpool Grove, London, SE17 2HH

| | |
|-----------------------------|---|
| PRESENT: | Councillor Martin Seaton (Chair) Councillor Darren Merrill (Vice-Chair) Councillor Catherine Bowman Councillor Neil Coyle Councillor Dan Garfield |
| OFFICER SUPPORT: | Rob Bristow (Planning Officer) Norman Brockie (Conservation Officer) Tim Gould (Group Manager, Development Control & Strategic Projects) Fennel Mason (Planning Officer) Vikki Lewis (Planning Officer) Suzan Yildiz (Legal Officer) Gerald Gohler (Constitutional Officer) |

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillors Patrick Diamond, Helen Morrissey, Abdul Mohamed and Lorraine Lauder MBE.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

Following advice by the legal officer, Councillor Catherine Bowman left the meeting room and took no part in the discussion or voting upon the planning item on the agenda.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 6.1 - development management items

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 17 May 2011 be agreed as a correct record, and signed by the chair.

6. DEVELOPMENT CONTROL ITEMS

6.1 PARKING SPACES IN FRONT OF 1-6 JOHN MAURICE CLOSE, LONDON SE17 1PY

Planning application reference number 10-AP-3760

PROPOSAL:

The erection of a three storey semi detached building comprising 2 x 3 bedroom residential units against the gable wall of 7 John Maurice Close, with associated waste and cycle storage.

The planning officer presented the application drawing members' attention to the addendum report which had been circulated. Members asked questions of the planning officer, and the transport and conservation officers.

The objectors spoke against the application. Councillors asked questions of the objectors.

The applicant's agent spoke in favour of the application. Councillors asked questions of the applicant and the applicant's agent.

No local supporters were present, and no councillors wished to speak in their capacity as ward member.

Councillors discussed the application, and asked for the minutes to reflect that they had a discussion about the maintenance issues around the bathroom window in the lightwell, and were advised that conditions around this could not be enforced.

RESOLVED:

That planning permission for application number 10-AP-3760 be granted as set out in the report and the addendum report including

- An amended condition 7:

Prior to the commencement of development a sample brickwork panel (a minimum of 1m² in area) including samples of the brickwork and pointing, as well as a sample window frame, including the finish to be used, in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the facing materials match those on the adjoining building and make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011, and saved Policies: 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.

- An additional condition to protect neighbouring occupiers from impacts associated with construction works:

The development shall not commence until details of a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. The CMP shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to access, noise, vibration, dust, smoke and plant emissions emanating from the site during demolition and construction. All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- An additional condition:

"The development hereby permitted shall not be commenced before the developer has submitted to the Council and the Council has approved a detailed scheme for security lighting, and the installation, operation and maintenance of gates to the access along the northern side of the site which shall include proposals for a right of access and ingress for adjoining properties [at flats within 7 John Maurice Close] and which shall be managed by the developer. The development shall not be carried out or used otherwise than in

accordance with the approved detailed scheme."

Reason:

"In the interests of the amenities of adjoining occupiers and in the interests of crime prevention and in order to comply with Strategic Policy 13 High Environmental Standards of the Core Strategy (2011) and saved policies 3.2 Protection of amenity and 3.14 Designing out Crime of the Southwark Plan (2007)

- An additional condition:

"The development hereby permitted shall not be commenced unless the developer has first granted for the benefit of owners or occupiers of adjoining properties (the flats at No. 7 John Maurice Close) legally binding rights of access along the side access on the northern side of the site and provided to the Council certified documentary evidence of such rights having been granted."

Reason:

"In the interests of the amenities of adjoining occupiers and in order to comply with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).

- An additional condition:

"There shall be no ventilation of bathrooms or kitchens at any time from the two new houses hereby permitted into the lightwell adjacent to No. 7 John Maurice Close."

Reason:

In the interests of the amenities of these neighbouring occupiers and in order to accord with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).

The meeting ended at 9.35 pm.

CHAIR:

DATED:



WALWORTH COMMUNITY COUNCIL - Planning -

MINUTES of the Walworth Community Council held on Thursday 16 February 2012 at 7.00 pm at Thurlow Lodge Community Hall, 1 Thurlow Street, London SE17 2US

PRESENT: Councillor Martin Seaton (Chair)
Councillor Darren Merrill (Vice-Chair)
Councillor Patrick Diamond
Councillor Helen Morrissey

OFFICER SUPPORT: Sadia Hussain (Legal Officer)
David Lane (Conservation Officer)
Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors and officers to the meeting.

2. APOLOGIES

There were apologies for absence from councillors: Catherine Bowman, Neil Coyle, Dan Garfield, Lorraine Lauder MBE and Abdul Mohamed.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 23 November 2011 be agreed as an accurate record of that meeting, and signed by the chair.

6. LARCOM STREET CONSERVATION AREA

The conservation officer introduced the report. Councillors asked questions concerning the groups which would be consulted, and the boundaries of the consultation process. Councillors also asked questions about the boundaries of the conservation area itself, and flagged up concerns, which residents were likely to have about the new designation.

RESOLVED:

1. That the community council endorse the recommendations of the report.
2. That the community council make the following comments regarding the report:
 - The Walworth Society should be contacted as part of the consultation
 - Officers should consider extending the boundary of the conservation area to include Walters Close and the Peabody Estate
 - Residents may have concerns about satellite dishes currently fixed to the front of the buildings, and newly installed double-glazed windows, in the designated area
 - The outcome of this consultation should also inform the Elephant and Castle SPD (supplementary planning document)
 - Areas around the conservation area should also be consulted, especially Walters Close and the Peabody Estate.
3. That the community council asks officers to provide the following information to a future meeting:
 - Bodies and groups officers normally invite to take part in the consultation
 - How far outside the planned conservation area, officers normally consult.

7. LIVERPOOL GROVE WALWORTH CONSERVATION AREA

The conservation officer introduced the report. Councillors asked questions about whether a conservation area designation could be removed, if residents asked for this. Councillors asked further questions about the council's conservation strategy, and the Local List.

RESOLVED:

1. That the community council endorse the recommendations of the report.
2. That the community council asked officers to provide information to a future meeting on whether a conservation area designation can be taken away, if residents ask for it.
3. That the community council asked officers to provide a report to a future meeting about the conservation strategy for Walworth Road given the number of adjacent conservation areas and existing evidence base collected for the Elephant and Castle SPD.
4. That the community council asked officers to provide a report to a future meeting about the progress and effect of the Local List.

The meeting ended at 7.45 pm.

CHAIR:

DATED:

| | | | |
|------------------------------------|--------------------------------|-------------------------------|--|
| Item No. 6. | Classification: Open | Date: 21 March 2012 | Meeting Name: Walworth Community Council |
| Report title: | | Development Management | |
| Ward(s) or groups affected: | | All | |
| 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 & 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 Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Aylesbury Area Action Plan and the Core Strategy which was adopted on April 6 2011. 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. 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. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

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 5LX | Kenny Uzodike 020 7525 7236 |
| Each planning committee item has a separate planning case file | Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ | 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 | 25 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 |
| Deputy Chief Executive | No | No |
| Head of Development Management | No | No |

ITEMS ON AGENDA OF THE WALWORTH CC
on Wednesday 21 March 2012

Appl. Type Full Planning Permission
Site 181-183 WALWORTH ROAD, LONDON, SE17 1RW

Reg. No. 11-AP-3121
TP No. TP/1065-181
Ward East Walworth
Officer Donald Hanciles

Recommendation GRANT PERMISSION

Item 6.1

Proposal

Change of use of existing retail premises [Use Class A1] to a restaurant/takeaway [Use Classes A3/A5] together with the installation of a ventilation ducting above the roof of the property on the northern side of the property, insertion of fire exit door in roller shutter at the rear and replacement of front double entrance doors.

Ordnance Survey

Date 12/3/2012



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| Item No. 6.1 | Classification: Open | Date: 21 March 2012 | Meeting Name: Walworth Community Council |
| Report title: | Development Management planning application: Application 11-AP-3121 for: Full Planning Permission Address: 181-183 WALWORTH ROAD, LONDON, SE17 1RW Proposal: Change of use of existing retail premises [A1] to a restaurant/takeaway [A3/A5] together with the installation of a ventilation ducting above the roof of the property on the northern side of the site, insertion of fire exit door in roller shutter at the rear and replacement of front double entrance doors. | | |
| Ward(s) or groups affected: | East Walworth | | |
| From: | Head of Development Management | | |
| Application Start Date 13 October 2011 | | Application Expiry Date 08 December 2011 | |

RECOMMENDATION

- 1 Grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is located to the eastern side of Walworth Road near its junctions with Browning Street and Larcom Street. The ground floor of the property is currently vacant and was previously used as a furniture shop. It is rectangular in shape with a 'dog-leg' projection to the north. The upper floors of the property comprise three floors of residential to the front and to the rear is a two storey element currently vacant and unclear as to what the use is. Access to all the units above are from Colworth Road. The main frontage to the application property is from Walworth Road with a secondary service access from Colworth Grove.
- 3 The site is not located within a conservation area nor are there any listed buildings nearby.
- 4 The site is within the Elephant and Castle Town Centre, the Elephant and Castle Opportunity Area, a Public Transport Accessibility Zone, the Walworth Village Archaeological Priority Zone. The site falls outside of the protected shopping frontage on Walworth Road.

Details of proposal

- 5 The proposal under consideration is for the change of use of the ground floor from retail (Class A1) use to restaurant/take-away and deliveries (Class A3/A5) use.
- 6 A ventilation duct is also proposed which would run through the kitchen roof area, within the 'dog-legged' area of the property at the rear towards the north and will

terminate directly above the kitchen roof at a height of approximately 450mm. The proposal also involves the installation of a new door within the existing roller shutter on the rear elevation of the building.

- 7 The floor area affected by the proposal equates to approximately 735 sqm, majority of which is on the ground floor with a small basement area. The restaurant and kitchen area would be on the ground floor with an indicative seating arrangement showing a total of 132 seats and the kitchen area to the rear of the property with storage in the basement area. There will be no motorised delivery service provided, this is to be controlled by a condition.
- 8 The ground floor also includes an area to the rear of the property towards the fire exit where refuse storage (general waste and recycling) is proposed.
- 9 The proposal also includes the provision of new double leaf doors to the front as well as a new fire exit door to the rear.
- 10 Information submitted with the application proposal in relation to the way in which the proposed use would be carried out includes the following;
- 11 - delivery arrangements would remain as existing and would be carried out from the rear of the property on Colworth Road
- states that hours of operation be restricted to 7am to midnight on Mondays to Saturdays and 8.30 am to 10.30pm on Sundays and Bank Holidays

Planning history

- 12 TP/1065/181
Planning permission granted June 1975 for the change of use of the first floor from offices to retail sales and the second floor from residential to offices.
- 13 9800186A
Planning permission granted on 15/12/1998 for the change of use of the ground floor from retail to Public House/restaurant and erection of external roof plant and ventilation ducting. It is unclear as to whether this permission was implemented.
- 14 0000231
Permission granted on 30/03/2000 for the display of internally illuminated fascia sign
- 15 0000292
Planning permission granted 19 April 2000 for the installation of a new shopfront.
- 16 11-AP-3122
Advertisement consent granted on 18/11/2011 for the display of internally illuminated fascia sign.

Planning history of adjoining sites

- 17 None of relevance

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) The principle of the development in terms of land use and conformity with strategic policies.
- b) The impact of proposed development on the amenity of adjoining occupiers
- c) The impact of proposed development on the character and appearance of the surrounding area.
- d) Traffic and highway issues

Planning policy

- 19 Core Strategy 2011
Strategic Policy 2 - Sustainable transport
Strategic Policy 3 - Shopping, Leisure and Entertainment
Strategic Policy 10 - Jobs and Businesses
Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High Environmental Standards
- 20 Southwark Plan 2007 (July) - saved policies
Policy 1.7 - Development within town and local centres
Policy 3.2 - Protection of Amenity
Policy 3.12 - Quality in Design
Policy 5.2 - Transport Impacts
Policy 5.3 - Walking and Cycling
Policy 5.6 - Car Parking
- 21 London Plan 2011
Policy 2.15 Town centres
Policy 4.7 Retail and town centre development
Policy 7.14 - Air Quality
Policy 7.15 - Reducing Noise and Enhancing Soundscapes
- 22 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)
PPG 13 - Planning and Transport
PPG 24 - Planning and Noise
- 23 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. 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.
- 24 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).

Principle of development

- 25 As the application proposal involves a property in a Town Centre due consideration must be had for saved policy 1.7 of the Southwark Plan 2007. The policy states that 'Within the Major and District Town Centres a range of uses will be allowed. Paragraph 170 states that 'Within the centres, the LPA will permit developments providing a range of uses, including retail and services, leisure, entertainment, and

community, civic, cultural and tourism, residential and employment uses' subject to criteria (i) - (ix) under the same paragraph.

- 26 The proposal would retain an appropriate use within Use Class A and will also retain an active frontage and as such is considered acceptable in land use terms as there is no fundamental policy objection to a restaurant/take-away (Use Class A3/A5).

Environmental impact assessment

- 27 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, being an urban development project. Having reference to the Column 2 criteria, the site area does not exceed the initial threshold of 0.5ha. In addition it has been determined that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location based upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore an Environmental Impact Assessment is not required.

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

- 28 The proposal for use of the premises as a restaurant/take-away is likely to give rise to amenity issues such as potential noise associated with the comings and goings from patrons, recycling refuse particularly where it involves bottles and cans, cooking smell and traffic.
- 29 It is unlikely that the proposal would result in loss of amenity for surrounding occupiers particularly with regards to cooking smells. In support of the application proposal the applicants submitted ventilation details and a plan showing the proposed location of the ventilation duct. The ventilation duct will terminate above the flat roof at a height of approximately 450mm and would be located towards the northern end of the 'dog-leg' area towards the rear of the building. The position of the ducting above the roof is considered to be appropriately located as it is reasonably distant from the nearest residential properties. A separating distance of approximately 14m from the residential unit above the application property to the rear, approximately 18m from the rear of the block of flats above to the front and approximately 15m from the rear of properties on Larcom Street, is achieved. It is such that residential amenity would be safeguarded in so far as cooking odours is concerned. It will not be visible from the public domain either and as such unlikely to have an impact on visual amenity.
- 30 Furthermore Officers consider that the quality of the ventilation equipment proposed, 'Pollustop Ventilation System' which contains a number of filters including Hepa Filter (smoke reduction) and Carbon Filter (ozone reduction) would ensure cooking smells are minimised subject to regular maintenance in so far as replacing the filters are concerned. Notwithstanding the ventilation arrangements indicated, officers considered it appropriate that any permission granted should be conditional having regard to full ventilation details, including technical information and sound attenuation measures.
- 31 In addressing potential noise from the ventilation equipment, officers consider it expedient that in addition to requesting full technical details, including sound attenuation measures, a condition limiting the rated noise level from any plant, together with any associated ducting of no more than 10 dB (A) below the measured LA90 level at the nearest noise sensitive premises should also be imposed on any permission granted. This will ensure that local residential amenity is not severely

compromised having regard to noise and disturbance.

- 32 The applicants indicate that the preferred hours of operation would be between 7.00 am and 12 midnight on Mondays to Fridays and 8.30 am to 10.30 pm on Sundays and Bank Holidays. Notwithstanding the Town Centre location of the application property, due regard must be had for the proximity of residential properties in relation to the application property, particularly the flats above, and the potential impact on amenity in so far as noise and disturbance is concerned.
- 33 Officers also considered that it would be reasonable to restrict the opening hours to 7.00am to 11pm on Mondays to Thursdays, and 8.00am to 10.30pm on Sundays and Bank Holidays and 7.00am to midnight on Fridays and Saturdays when there is generally more activity in the area. It is considered that the opening times proposed are reasonable and unlikely to cause undue harm to residential amenities at this time.

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

- 34 None envisaged

Traffic issues

- 35 The Transport Group have considered the proposal and raised no objections to the proposed use. It is understood that as there is no end user for the property yet, no estimation of the number of staff to be employed has been given. However, restaurant (Class A3) uses are more likely to employ additional staff over a retail, (Class A1), use. Whilst this is a relatively large restaurant/takeaway with 132 covers and lacks details of staffing numbers, it is not considered reasonable to prevent staff from obtaining parking permits by a legal agreement. As no details have been submitted as to how the proposed use will be serviced, the Transport Group request that full details of servicing should be secured by way of a condition.
- 36 Whilst it is accepted that there will also be more visitors to the application property, it is not possible for them to obtain parking permits. Furthermore, it is likely that the use would attract an increased number of visitors at a time when parking restrictions are relaxed and they would be able to park on street without restrictions.
- 37 With regards to servicing, the applicants propose to utilise the existing servicing arrangements from the rear of the property off Colworth Grove. Given that Colworth Grove is a residential street, officers consider it appropriate to impose a condition restricting servicing times in order to safeguard the amenities of nearby residents. Whilst servicing from the rear of the premises raises no in principle objections, officers consider that full details of the servicing arrangements should be secured by a condition. With regards to collection of refuse the applicants indicate that private refuse collector would be contracted to clear refuse/waste on a regular basis, however, a condition in respect to servicing from the rear would prevent collection at weekends. There, is room at the rear for refuse storage, details will be required to be submitted.
- 38 The proposal makes no provision for cycle parking which is due to the constrained nature of the site utilising existing floorspace and in that regard considered on balance to be acceptable.

Design issues

- 39 The proposal raises no specific design issues, other than the replacement of the existing entrance double doors and a new fire exit door within the existing roller

shutter to the rear. The proposed changes are considered relatively minor, and the alterations to the roller shutter are considered to be non-material, and will not be detrimental to the appearance of the application building.

- 40 With regards to the ventilation ducting proposed, the location as shown on the flat roof towards the rear of the property and its projection above the roof by approximately 450mm would not result in dominance to the host building and moreover will not be visible from the public domain, therefore no issues are raised with regards to visual amenity. .

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

- 41 None envisaged. The application property is not adjoined to or within close proximity of a listed building neither is it in a conservation area or adjacent to one.

Impact on trees

- 42 There are no trees affected by the proposal.

Planning obligations (S.106 undertaking or agreement)

- 43 A legal agreement is required to prevent future staff from obtaining parking permits.

Sustainable development implications

- 44 The proposal raises no sustainable development issues.

Other matters

- 45 Although plans were submitted showing a layout of the ventilation arrangements, the details submitted did not include the full technical specification, including sound attenuation measures. The applicants indicate that they are in negotiations/discussions with Pizza Express whose intention is to use the 'Halton Pollustop' ventilation unit which is designed to neutralise all odours. Notwithstanding the ventilation arrangements indicated, officers considered it appropriate that any permission granted should be conditional having regard to full ventilation details, including full technical specification and sound attenuation measures.
- 46 Furthermore, Officers considered it expedient in mitigation that a condition limiting the rated noise level from any plant, together with any associated ducting of no more than 10 dB (A) below the measured LA90 level at the nearest noise sensitive premises should be imposed on any permission granted
- 47 A number of objections were received on amenity and traffic grounds which have been addressed in the preceding paragraphs. However other grounds of objections included noise from servicing as well as impact on the value of properties and increase in insurance premiums.. With regards to servicing, it was observed during a site inspection that the existing use is serviced from the rear off Colworth Road. It is unclear though as to what the servicing times are but in order to ensure that residential amenity is not compromised as a result, an appropriate condition can be imposed to restrict servicing times should the Council be minded to grant planning permission.
- 48 Objections were also raised on the grounds that the proposal would have an impact on the value of properties as well as insurance premiums. Whilst these are noted, they are not considered to be material planning considerations and therefore its consideration should not influence the outcome of the application proposal. Concern

was also raised by one of the objectors that none of the six flats above the application premises received consultation notice on the application. However, Council records show that these properties were notified, in addition to site notices being displayed. Further letters were hand delivered to these properties after it was brought to the Council's attention that these properties did not receive notification of the proposal in the first instance.

Conclusion on planning issues

- 49 In conclusion, the proposed use raises no fundamental policy issues in so far as land use is concerned especially given its Town Centre location and the fact that the proposal is consistent with criteria's i and ii of saved policy 1.10 of the Southwark Plan 2007. It is recommended therefore that planning permission is granted.

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.

- 51 a) The impact on local people is set out above.

- 52 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as possible noise nuisance from the ventilation duct, from the users of the property, from the servicing of the property and the hours of use.

- 53 c) However, conditions are recommended, in particular hours of operation and servicing to overcome the likely adverse or less good implications for particular communities/groups.

Consultations

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

Consultation replies

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

- 56 Summary of consultation responses

3 responses received objecting to the proposal on noise and disturbance, traffic generation, the proposal would encourage vermin, risk of fire, cooking odours and noise from servicing as well as lack of notification to some residents originally.

Human rights implications

- 57 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.

- 58 This application has the legitimate aim of providing a restaurant/take-away use on the ground floor. 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

59 N/A

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|---|
| Site history file: TP/1065-181 Application file: 11-AP-3121 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 5428 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 | Donald Hanciles, Senior Planning Officer | |
| Version | Final | |
| Dated | 06 January 2012 | |
| 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 | Yes | Yes |
| Strategic Director of Environment and Housing | No | No |
| Date final report sent to Constitutional Team | | 12 March 2012 |

Consultation undertaken

Site notice date: 18 October 2011

Press notice date: Not required

Case officer site visit date: 18 October 2011

Neighbour consultation letters sent: 19 October 2011

Internal services consulted:

Transport Group
Environmental Protection Team

Statutory and non-statutory organisations consulted:

Not required

Neighbours and local groups consulted

| Date Printed | Address |
|-----------------|--|
| 19/10/2011 | THE TANKARD 176-178 WALWORTH ROAD LONDON SE17 1JL |
| 19/10/2011 | 175A WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | FIRST FLOOR FLAT 187 WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | FLAT 2 12A COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | FLAT 1 12A COLWORTH GROVE LONDON SE17 1LR |
| 19/10/2011 | FIRST FLOOR FLAT 189 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | 187A WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | 191-193 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | 186 WALWORTH ROAD LONDON SE17 1JJ |
| 19/10/2011 | 185 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | 169 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | 187 WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | FLAT 3 12A COLWORTH GROVE LONDON SE17 1LR |
| 19/10/2011 | FIRST FLOOR 195-197 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | PART GROUND FLOOR 195-197 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | GROUND FLOOR 179 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | SECOND FLOOR 195-197 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | THIRD FLOOR 195-197 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | PART GROUND FLOOR 175-177 WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | FLAT 6 12A COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | FLAT 5 12A COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | FLAT 4 12A COLWORTH GROVE LONDON SE17 1LR |
| 19/10/2011 | SECOND FLOOR FLAT 187 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | THIRD FLOOR FLAT 189 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | THIRD FLOOR FLAT 187 WALWORTH ROAD LONDON SE17 1RW |
| 19/10/2011 | SECOND FLOOR FLAT 189 WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | 5 COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 4 COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 2 COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 3A COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 6B COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 6A COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 3B COLWORTH GROVE LONDON SE17 1LR |
| 18/11/2011 | 1 COLWORTH GROVE LONDON SE17 1LR |
| 19/10/2011 | LIVING ACCOMMODATION THE TANKARD 176-178 WALWORTH ROAD LONDON SE17 1JL |
| 19/10/2011 | 194 WALWORTH ROAD LONDON SE17 1JJ |
| 19/10/2011 | 190 WALWORTH ROAD LONDON SE17 1JJ |
| 19/10/2011 | 195-197 WALWORTH ROAD LONDON SE17 1RW |
| 18/11/2011 | 7A COLWORTH GROVE LONDON SE17 1LR |
| 19/10/2011 | 188 WALWORTH ROAD LONDON SE17 1JJ |
| 19/10/2011 | 171-173 WALWORTH ROAD LONDON SE17 1RW |

19/10/2011 196-202 WALWORTH ROAD LONDON SE17 1JJ
19/10/2011 WALWORTH CASH OFFICE 177-179 WALWORTH ROAD LONDON SE17 1RW
18/11/2011 12 COLWORTH GROVE LONDON SE17 1LR
19/10/2011 192 WALWORTH ROAD LONDON SE17 1JJ
19/10/2011 189 WALWORTH ROAD LONDON SE17 1RW
19/10/2011 182-184 WALWORTH ROAD LONDON SE17 1JJ
18/11/2011 FLAT 2 11A COLWORTH GROVE LONDON SE17 1LR
18/11/2011 FLAT 1 11 COLWORTH GROVE LONDON SE17 1LR
18/11/2011 7B COLWORTH GROVE LONDON SE17 1LR
18/11/2011 FLAT 3 11A COLWORTH GROVE LONDON SE17 1LR
18/11/2011 FLAT 6 11A COLWORTH GROVE LONDON SE17 1LR
18/11/2011 FLAT 5 11A COLWORTH GROVE LONDON SE17 1LR
18/11/2011 FLAT 4 11A COLWORTH GROVE LONDON SE17 1LR

Re-consultation:

Not required

Consultation responses received

Internal services

Transport Group - no objections but request a car free agreement

Environmental Protection Team - no objections subject to conditions

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 2, 11a Colworth Road - concerned about noise and state that adequate provision should be in place to minimise noise transmission, concerned about potential fire and that comment that adequate protection against the spread of fire should be in place. Although not a valid planning objection, comment that the change of use would have a negative impact on building insurance premiums and further limit mortgage options. On the basis of the above raised an objection to the proposal.

Flat 6, 11a Colworth Road - object on the grounds that the change of use would result in devaluation of property, noise and disturbance, would encourage vermin, increased traffic and vehicular activity on Colworth Road. Although not a valid planning objection, comment that the change of use would devalue their property and will result in an increase on building insurance premiums.

Flat 1, 11a Colworth Road - object on grounds of noise and disturbance, cooking smells, traffic generation, noise and disruption from deliveries, refuse generation resulting in health hazard and increase in vermin.

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 Mrs L Myers
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 11-AP-3121

Case Number TP/1065-181

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of existing retail premises [Use Class A1] to a restaurant/takeaway [Use Classes A3/A5] together with the installation of a ventilation ducting above the roof of the property on the northern side of the property, insertion of fire exit door in roller shutter at the rear and replacement of front double entrance doors.

At: 181-183 WALWORTH ROAD, LONDON, SE17 1RW

**In accordance with application received on 22/09/2011 08:00:53
and revisions/amendments received on 27/01/2012
18/10/2011**

and Applicant's Drawing Nos. Design and Access Statement, Planning Statement, Halton Pollustop Specification. 266/EX/1.01, 266/EX/1.02 A, 266/EX/2.01, 266/PA/1.01, 266/PA/ 1.02 A, 266/PA/2.01, OS MAP

Reasons for granting planning permission.

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

a] The Core Strategy 2011

SP 2 (Sustainable Transport) aims to encourage walking, cycling and the use of public transport rather than travel by car.

SP 3 (Shopping, Leisure and Entertainment) advises that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

SP 10 (Jobs and Businesses) seeks to increase the number of job in Southwark and create an environment in which business can thrive

SP 12 (Design and Conservation) ensures design of development is of the highest possible standards.

SP 13 (High Environmental Standards) requires development to meet the highest possible environmental standards.

b] Southwark Plan [July 2007]

Saved Policy 1.7 (Development Within Town and Local Centres) states that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

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

Saved Policy 3.12 (Quality in Design) advises that developments should achieve a high quality of both architectural and urban design

Saved Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Saved Policy 5.3 (Walking and Cycling) seeks to ensure there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area.

Saved Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

c] London Plan 2011

Policies 2.15 Town centres, 4.7 Retail and town centre development, 7.14 Air quality, 7.15 Reducing noise and enhancing soundscapes

PPG 13 - Planning and Transport

PPG 24 - Planning and Noise

Particular regard was had to the impact on local residential amenity that would result from the proposed development but it was considered that any material harm would be adequately mitigated by way of conditions. The use would also be acceptable taking into account the location of the property within a Town Centre where uses of such nature are encouraged. Particular regard was had to the change of use from retail use to a restaurant/take-away, where it was considered that a restaurant/take-away would be acceptable in this shopping frontage and would maintain the vitality and viability of the frontage. There was not considered to be any material harm arising in relation to transport impacts. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 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: 266/PA/1.01, 266/PA/1.02 A, 266/PA/2.01

Reason:

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

- 3 The use hereby permitted for restaurant purposes shall not be begun until full particulars and details of a scheme to insulate the premises against the transmission of airborne and impact sound to the residential properties above has been submitted to (2 copies) and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to the first operation of the use hereby permitted. Any such scheme shall be so designed that noise from the use does not, at any time, increase the ambient equivalent noise level measured immediately outside any of the adjoining or nearby premises.

Reason

In order to that the Council may be satisfied that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007, and Planning Policy Guidance 24 Planning and Noise.

- 4 The rated noise level from any plant, together with any associated ducting, shall be 10 dB (A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried out 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 and approved in writing by the Local Planning Authority confirming that previous details and subsequent measurement data of the installed plant demonstrate compliance with the above requirements.

The supplementary acoustic report shall include;

- i) A schedule of all plant and equipment installed
- ii) Locations of the plant and machinery 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 and equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location
- vi) The lowest existing La90, T measurement as already established
- vii) 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 Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and PPG24 - Planning and Noise.

- 5 The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the ambient equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Strategic Policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan July 2007 and Planning Policy Guidance 24 Planning and Noise.

- 6 Dwelling houses, flats and rooms for residential purposes sharing a party element with commercial 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. A scheme of works shall be submitted to and approved by the Local Planning Authority prior to implementation of the scheme and any such scheme approved is to be completed prior to the commencement of the use and shall be permanently maintained thereafter.

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

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Strategic Policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan July 2007 and Planning Policy Guidance 24 Planning and Noise.

- 7 The restaurant/take-away [Class A3/A5] use hereby permitted shall not include any motorised delivery service to customers.

Reason

To ensure that the proposed development does not have a detrimental impact on the safety and operation of the surrounding highway and network in accordance with Saved Policy 5.2 'Transport Impact' of the Southwark Plan, July 2007.

- 8 The use hereby permitted for restaurant/take-away (Use Classes A3/A5) purposes shall not be carried on outside of the hours 0730 hours to 2300 hours Mondays to Thursdays, 0800 hours to 2230 hours on Sundays and Bank Holidays and 0730 hours to midnight on Fridays and Saturdays.

Reason

In order to safeguard the amenities of nearby residents by reason of noise and disturbance in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (July 2007).

- 9 The servicing arrangements, including refuse collection, for the proposed restaurant/take-away use (Use Classes A3/A5) shall only be carried on from the rear of the premises on Colworth Grove and shall only take place between the hours 0800 hours to 1700 hours on Mondays to Fridays and not at all at weekends and bank holidays.

Reason

In order to safeguard the amenities of nearby residents by reason of noise and disturbance in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (July 2007).

- 10 The rated noise level from the proposed 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 – a positive indication that complaints are unlikely - at all times. 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 the plans hereby permitted, and so as to adhere to the noise limit specified, and be permanently retained as such thereafter.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from the proposed plant in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2012 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007.

- 11 Before the first occupation of the A3 Use premises, details of the arrangements for the storing of [*commercial*] refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure 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 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 12 A Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the permission granted. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

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WALWORTH AGENDA DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2011-12**

NOTE: Original held by Constitutional Team; all amendments/queries to
Gerald Gohler Tel: 020 7525 7420

| Name | No of copies | Name | No of copies |
|---|--------------|--|--------------|
| Community Council Members | | Officers | |
| Councillor Martin Seaton (Chair) | 1 | Constitutional Officer (Community Councils) (at CLG, Tooley Street – Second Floor – Hub 4) | 15 |
| Councillor Darren Merrill (Vice-Chair) | 1 | | |
| Councillor Catherine Bowman | 1 | | |
| Councillor Neil Coyle | 1 | | |
| Councillor Patrick Diamond | 1 | | |
| Councillor Dan Garfield | 1 | | |
| Councillor Lorraine Lauder MBE | 1 | | |
| Councillor Abdul Mohammed | 1 | | |
| Councillor Helen Morrissey | 1 | Rob Bristow, Planning Group Manager (Tooley St - Fifth Floor, Hub 2) | 1 |
| Libraries | | Sadia Hussain, Planning Lawyer (Tooley St - Second Floor, Hub 2) | 1 |
| Branch Libraries (Walworth, East Street, Brandon) | 3 | Others | |
| Local History Library | 1 | Shahida Nasim, Audit Commission | 1 |
| Press | | Borough Commander Southwark Police Station, 323 Borough High Street, London SE1 1JL | 1 |
| Southwark News | 1 | Total: | |
| South London Press | 1 | 36 | |
| Members of Parliament | | Dated: 13 March 2012 | |
| Harriet Harman MP | 1 | | |
| Simon Hughes MP | 1 | | |