

Item No. 6.1	Classification: OPEN	Meeting date: 19 January 2012	Meeting Name: Nunhead and Peckham Rye Community Council
Report title:	Development Management planning application: Application 10-AP-2803 for: Full Planning Permission Address: 38-40 CHOUMERT ROAD, LONDON, SE15 4SE Proposal: Retention of Class A3 Use (restaurant) on the ground floor, installation of an extractor flue to the rear elevation and refuse storage facilities to the forecourt.		
Ward(s) or groups affected:	The Lane		
From:	Head of Development Management		
Application Start Date 28 January 2011		Application Expiry Date 25 March 2011	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

- 2 The application is being reported to this committee due to 14 objections received.

Site location and description

- 3 The site comprises the ground floor of a mid terrace three storey storey property located on the north side of Choumert Road. The upper floors are in residential use and the site is within the Rye Lane Peckham Conservation Area.

Details of proposal

- 4 The application involves the retention of a restaurant (UseClass A3) on the ground floor and the installation of an extractor flue to the rear elevation to serve the kitchen.

The proposed opening hours are 7.30am to 11.30pm Monday to Saturday and 10am to 11pm on Sunday and Bank Holidays.

The silver metal extractor flue would be 0.4m wide and its highest point would be 0.3m above the eaves.

The application also seeks permission to regularise the current refuse storage arrangements to the forecourt by the provision of a large external commercial refuse bin.

- 5 It is also proposed to remove a redundant extractor fan comprising a small box from the roof of the single storey rear extension of the building.

Planning history

- 6 Planning permission was granted in August 1993 for the change of use of the west side of 38-40 Choumert Road from retail (Use Class A1) to restaurant (Use Class A3). Prior to that permission being granted, Nos. 38 and 40 were used as a fishmongers (Use Class A1). No. 38 continued to be used as a fishmonger and the approved change of use allowed the operation of a take-away fish bar from the western half / No. 40 of 38-40 Choumert Road.

In December 1999, planning permission was granted for the change of use of 38-40 Choumert Road to a residential dwelling. This permission was never implemented.

The restaurant use (Use Class A3) eventually expanded into the second eastern side of the unit, albeit without the benefit of planning permission, incorporating the two units.

02-AP-0677: An application for the retention of the restaurant use (Use Class A3) – change of use from A1 - was submitted in April 2002. The application was granted planning permission under delegated powers on 17 September 2002. Condition 1 attached states:

' The use hereby permitted shall not continue beyond 30/01/03 unless full particulars and details of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall from then on not be carried out otherwise than in accordance with any approval given'

Following complaints from residents in August 2004, and subsequent site inspections and complaints regarding cooking smells, it was clear that an unauthorised ventilation system was installed in 2004 without permission, and continued to be a source of complaint with regard to cooking smells dispersed in close proximity to residential dwellings.

05/AP/0477: In May 2005 an application for the installation of an extractor flue on rear elevation of building to roof level; elevational alterations to the front of the building to form new ground floor entrance door was withdrawn. The local authority advised that the proposal description was inaccurate and that the applicant should be seeking to retain the restaurant use (Use Class A3) as the 2002 permission was not implemented before 30/01/2003 as conditions were not discharged. The application should also include, in addition to the ventilation duct as stated in the submitted application, details of the ventilation duct extract system.

05/AP/1115: In February 2009 an application for retention of Class A3 use (food and drink) and installation of extractor flue to rear of building was refused for the following reason:

The details submitted for the proposed extractor system are insufficient, the system as proposed is therefore likely to be detrimental to residential amenity in terms of noise and smell nuisance and is therefore contrary to policy 3.2 Protection of Amenity, of the Southwark Plan 2007.

09/AP/1981: In August 2010 an application for change of use from retail (Use Class A1) to restaurant (Use Class A3) and erection of flue to rear of building was withdrawn as items of information requested were not provided by the applicant.

10/AP/0452: In June 2010 an application for approval of details of a scheme for the ventilation of the premises pursuant to condition 1 of planning permission dated 17.09.2002 (LBS Reg No:02-AP-0677) for retention of Class A3 restaurant use on ground floor was withdrawn.

The withdrawn application sought to discharge the ventilation equipment condition (1 of the 2002 appeal approval in relation to application 02-AP-0677). However, as the applicant failed to discharge the above condition in time, before 31/03/2003, the restaurant (Use Class A3) is unauthorised. A full application for a change of use from Use Class A1 to A3 is thus required.

11-AP-3581: An application for the retention of an extractor duct to the rear elevation, serving the ground floor WC, is currently pending.

Planning history of adjoining sites

- 7 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 8 The main issues to be considered in respect of this application are:
- a) The principle of an A3 restaurant in this location;
 - b) the impact an amenity of neighbouring properties, specifically in terms of noise and odour;
 - c) the provision of adequate refuse storage facilities;
 - d) the impact on the appearance and character of the conservation area and the streetscene;
 - d) the impact on highway and pedestrian safety issues.

Planning policy

Saved Southwark Plan 2007 (July) policies

- 9
- 1.7 Development within town and local centres
 - 3.2 Protection of amenity
 - 3.6 Air quality
 - 3.7 Waste reduction
 - 3.11 Efficient use of land
 - 3.12 Quality in design
 - 3.13 Urban design
 - 3.15 Conservation of the historic environment
 - 3.16 Conservation areas
 - 3.18 Setting of listed buildings, conservation areas and world heritage sites
 - 5.2 Transport impacts
 - 5.3 Walking and cycling

Core Strategy

- 10 3 – Shopping, leisure and entertainment

- 10 – Jobs and businesses
- 12 – Design and conservation
- 13 – High environmental standards

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

- 11 PPS 5: Planning for the Historic Environment
- 12 Draft National Planning Policy Framework (NPPF)
- 13 Planning for Growth

Principle of development

- 14 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.
- 15 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).
- 16 Strategic Policy 3 Shopping, leisure and entertainment of the Core Strategy 2011 aims to protect and enhance the town centres by ensuring that the scale of new development is appropriate to their role and character, that a balance of different uses, including shops, bars, restaurants and cafes is maintained, and that the provision of markets is supported. Although this policy states that small scale retail facilities ('A' class uses) would be protected outside town and local centres to help meet day-to-day needs, there is no protection per se afforded to A class uses within a town centre.
- 17 Peckham currently has a diverse range of shops and services, but with an emphasis on convenience shopping (i.e. day to day requirements). There is scope to improve the comparison goods shopping function of the town centre.
- 18 In the context of the above policy there is no indication that the provision of a restaurant in this part of the town centre should be resisted.
- 19 Criteria xiv of Saved Policy 7.1 Peckham Action Area aims to establish stronger pedestrian and public realm links between Rye Lane and the Bellenden Road shopping area, including extending the focus on public art and realising the potential of Choumert Market.
- 20 Objectors raised the issue of why this property should still be being considered for an A3 classification given that planning applications for A3 classification has already been refused on more than one occasion. Application 05/AP/1115, for retention of Class A3 use (food and drink) and installation of extractor flue to rear of building, was refused in February 2009 only due to insufficient details for the proposed extractor system. It was concluded that the extract duct was harmful to the amenity of occupiers of the residential premises to the rear of the application site by reason of disturbance from noise and smells. The officer report of application 05/AP/1115 states that 'the retention of the restaurant use in itself raises no specific policy issues given the Council's decision to grant planning permission for the said use in August 1993 and subsequently in December 1999.'

- 21 However, the Southwark Unitary Development Plan 1995 has since been superseded and the change of use from Use Class A1 to A3 will now be assessed in terms of the relevant saved policies of the Southwark Plan 2007 and the Core Strategy 2011.
- 22 The principle of a change of use from Use Class A1 to Use Class A3 would be acceptable as it would meet the requirements of Saved Policy 1.7 Development within town and local centres of the Southwark Plan 2007, as assessed in full below.
- 23 Saved Policy 1.7 'Development within town and local centres' of the Southwark Plan 2007 states that most new developments for retail and other town centre uses should be accommodated within the existing town centres and local centres. The site is located within Peckham Major Town Centre.
- 24 Within the Peckham Major Town Centre developments providing a range of uses would be permitted, including retail and services, leisure, entertainment and community, civic, cultural and tourism, residential and employment (Class B1) uses, where the following criteria are met:
- 25 i. The scale and nature of the proposal is appropriate to the character and function of the centre and the catchment area it seeks to serve; and
- 26 The scale of the proposed development is acceptable as the floorspace of the proposed restaurant (Use Class A3) is at 75.2 sqm only a fraction of the total floorspace of commercial units within the Peckham Major Town Centre. The existing retail floorspace within the town centre is 75,000 sqm. The use of the premises as a restaurant is appropriate to the character and function of the centre and the catchment area it seeks to serve.
- 27 ii. The proposal will not harm the vitality and viability of the centre;
and
The use of the site as a restaurant would contribute to the vitality of the town centre as it is considered that it would contribute to the long term growth of the centre.
- 28 A mix of uses is provided where appropriate; and
- 29 There are a number of commercial premises along this part of Choumert Road and it is considered that the mix of uses provided is appropriate in this part of the town centre. To the east of the site there are a large number of commercial units located within the Protected Shopping Frontages along Rye Lane. The mix of uses in protected shopping frontages are closely monitored and controlled by saved policy 1.9 Protected Shopping Frontages of the Southwark Plan 2007 to ensure that not less than 50% of units are in use as retail units (Use Class A1).
- 30 iv. Any floorspace currently in A Class use should be retained or replaced, unless the proposed use provides a direct service to the general public and the proposal would not harm the retail vitality and viability of the centre; and
- 31 Restaurants (Use Class A3) provide a direct service to the public and in this case the proposed opening hours would ensure a service to the public for long periods from 7.30am to 11.30pm Monday to Saturday and 10am to 11pm on Sunday and Bank Holidays. As set out in criteria (ii) above it is considered that the proposed development would not harm the retail vitality and viability of the centre.
- 32 v. The proposal would not materially harm the amenities of surrounding occupiers;
- 33 Officers conclude that the amenity of surrounding occupiers would not be harmed. This aspect of the proposal is discussed in detail in the amenity section of this report.

- 34 vi. Where developments which are likely to attract a lot of people are proposed, the site should be highly accessible by sustainable modes of transport; and
- 35 In terms of the number of people visiting the site the following terms are relevant. "Covers" are how many dinners are served. Imagine the cover being lifted off a dinner plate. A "top" is the number of people that can sit at a table. A "four-top" is a table for four. In this case 10 four-top tables are proposed.
- 36 If all the tables are filled for a single seating at dinner, the restaurant could do 40 covers. In this case a 40-seat restaurant is proposed, meaning that if the restaurant does one serving in the afternoon and two "turns" in a night, for example, it would be a 120 cover restaurant.
- 37 The above predicted number of customers would be average for a restaurant of this size. Given the high Public Transport Accessibility Level (PTAL) of 5/6a of the site and parking restrictions along nearby streets, within a Controlled Parking Zone (CPZ), it is concluded that it is likely that customers would travel to the site by means of sustainable transport. The applicant has not provided information with regard to the catchment area of the restaurant, but given its modest size it is not considered that the site would be detrimental to the aim of the Council to promote sustainable travel in the borough.
- 38 vii. The road network has sufficient capacity to take any additional servicing traffic generated by the proposal without causing adverse effects on the environment, traffic circulation, or air quality; and
- 39 The restaurant has been operating since at least 2004 and it appears that the development has not been detrimental to the environment, traffic circulation or air quality (associated with vehicle movement) of the area.
- 40 viii. The development addresses the street, provides an active frontage on pedestrian routes and would not erode the visual continuity of a shopping frontage; and
- 41 The existing facade would not be altered and would thus continue to provide an active frontage and would not erode the visual continuity of this part of Choumert Road.
- 42 ix. The proposal provides amenities for users of the site such as public toilets, where appropriate.
- 43 Two WC's are provided on the ground floor. It is likely that these facilities would be restricted to customers only, which is acceptable in this case.

To conclude, there are no land use objections to the use of the premises for Class A3 restaurant purposes and this would accord with the relevant Council policies.

Environmental impact assessment

- 44 Not required in this case due to the limited scale of the proposed works.

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

- 45 Saved Policy 3.2 Protection of amenity of the Southwark Plan 2007 states that planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the

surrounding area or on the application site. The reasoning is to protect the amenity of an area and the quality of life for people living, or working in, or visiting the borough.

- 46 Strategic Policy 3 Shopping, leisure and entertainment of the Core Strategy 2011 states that restaurants, bars and cafes add to the vitality and life of town centres but can also have negative impacts on the community such as noise until late at night. .
- 47 Residents of neighbouring properties raised concerns regarding smell / odour due to alleged unauthorised cooking at the premises. The applicant provided an explanation regarding cooking methods as part of the Design & Access statement.
- 48 The current application was submitted to regularise the cooking of food on site in the future and to regularise the unauthorised change of use from Use Class A1 to A3 (restaurant). It is considered that the new ventilation system and duct would disperse at an adequate height above the roof of the three storey building on the application site to overcome any odour problem experienced in the past by neighbouring properties.
- 49 Neighbours along Choumert Square however remain concerned that the odour issue would not be addressed by the installation of a high level duct due to the prevailing south-west wind. Although Choumert Square is located downwind from the site officers are satisfied that the proposed ventilation system would prevent any odour problem. The Environmental Protection Team advised that the proposed ventilation system should ensure sufficient dispersion, provided the ventilation system is properly maintained.
- 50 Choumert Square residents raised concerns that the proposed duct would be detrimental to the view and visual amenity from the rear of these properties. The properties along the south side of Choumert Square at the rear of the site have no rear gardens or open spaces, but have single storey rear extensions back-to-back with buildings along Choumert Road.
- 51 The application site and adjacent properties along the south side of Choumert Road are three storey buildings whilst the terrace along the south side of Choumert Square comprise two storey dwellings. Nos. 41 and 42 Choumert Square are located directly to the north of the site and it is considered that these properties would be most affected in term of visual amenity. It is considered that the scale and design of the extract duct, although to be installed in a confined space, are acceptable, and would not be detrimental to the visual amenity of neighbouring properties.
- 52 It is acknowledged that there is limited separation between the first floor windows serving either bathrooms or bedrooms and the first and second floor rear elevation of 38-40 Choumert Road.
- 53 Given the limited views and use of the rooms on the first floor rear elevations of Choumert Road dwellings, it is considered that the proposal would not be overly visually intrusive and visual harm would not substantiate a reason for refusal. Furthermore, the principle living areas of Choumert Square dwellings are on the ground floor and views from these windows would be to the north and would be unaffected by the proposed extract duct. Similary views to the south from these living rooms would not be affected as these properties back onto the rear walls of properties along Choumert Road.
- 54 Saved policy 3.6 Air quality of the Southwark Plan 2007 states that planning permission will not be granted for development that would lead to a reduction in air quality. The reasoning is that the Air Quality Management Area (AQMA) identifies where in Southwark levels of air quality are below national standards. The LPA has a

responsibility to reduce activities which cause air pollution in order to contribute to achieving national air quality objectives. Southwark's Air Quality Strategy and Improvement Plan contains policies and measures to improve the air quality in Southwark including measures that address the emissions from industry, construction, domestic properties and traffic. The strategy also promotes modal shifts towards public transport and low and zero emission vehicles and raises awareness of air quality issues. It identifies planning policies to be a key action in improving local air quality through influencing developments to consider air quality impacts.

- 55 It is considered that the proposed extract duct and ventilation system would improve the current air quality in the immediate vicinity as the current premises releases unpleasant odours to the detriment of nearby occupiers. It is reiterated that the Environmental Protection Team advised that the proposed ventilation system should ensure sufficient dispersion and this would prevent any odour problem in the future.
- 56 With respect to the opening hours, these are considered appropriate for a town centre location. The latest closing time would be 11.30pm. This is not so late as to lead to noise and disturbance at a time that would otherwise be much quieter. A condition is recommended.

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

- 57 The adjoining properties along the street frontage are commercial and Choumert Square residential properties are located to the rear. It is considered that these uses would not be detrimental to the occupiers and users of the application site.

Traffic issues

- 58 Given the modest size of the premises it is unlikely that the change of use to a restaurant would have an adverse impact on transport networks. The restaurant has been in operation since at least 2004 and there is no evidence to indicate that it has led to a significant increase in traffic in the immediate vicinity. Likewise, it appears that the current servicing and refuse collection is satisfactory. The dimensions of the proposed refuse bin shown on the submitted plans does not correspond with what is currently in place on site. As the applicant indicated that they would continue to use the refuse bin currently in use approval is recommended subject to an appropriate condition in this regard.
- 59 Saved policy 5.3 Walking and cycling of the Southwark Plan states that planning permission will be granted for A Use Class development provided there is provision of convenient, secure and weatherproof cycle parking to the minimum cycle parking standards. There is a requirement to provide a minimum of 2 cycle parking spaces for any development. In this case the site area at 74 sqm is well below the threshold to provide 1 space per 250 sqm. Officers accept that due to the limited space available and site layout restrictions to the forecourt it is not possible to provide any on site cycle parking.

Design issues

- 60 Objectors are concerned that the proposed extraction ducting would be visible from the rear of properties along Choumert Square and that this would be detrimental to visual amenity.
- 61 Officers consider that the proposed extract duct to the rear elevation would be in accordance with Saved Policy 3.13 Urban Design of the Southwark Plan 2007 as it would relate to the townscape, local context and character of the area. It is common

that town centres have restaurants and premises operating within Use Class A3 and these generally require extractor ducts similar to that proposed here in order to cook food on the premises and to disperse odour at high level. The duct would not be visible from a public space. In this respect it is considered that the proposed extract duct would be of an acceptable quality and design and would not detract from the character of the area.

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

- 62 In conservation areas extractor ducts should ideally be integral to the building, for example the use of existing chimneys to disperse of odours to a high level is encouraged. In this case the applicant advised that due to site restrictions and the unique relationship between the rear wall of the site and the rear walls of dwellings along Choumert Grove it would be difficult to implement the preferred design solution referred to above.
- 63 There are limited views from the first floor rear windows of dwellings along Choumert Square and due to the enclosed nature of the site the proposed duct would not be visible from a public vantage point. For these reasons it is concluded that the duct would not detract from the special interest or historic character or appearance of buildings within the Holly Grove conservation area.
- 64 The proposal does not include any other external alterations and would therefore not have an adverse effect on the historic environment.
- 65 External alterations are limited to the rear elevation of the three storey building on the site. Given its proximity and orientation in relation to the grade II listed buildings, the Girdlers Almshouse, to the west it is considered that the proposal would have no impact on the immediate or wider setting of these listed buildings.

Impact on trees

- 66 None identified.

Planning obligations (S.106 undertaking or agreement)

- 67 None identified.

Sustainable development implications

- 68 None identified.

Other matters

- 69 Refuse storage:
Condition 2 of planning permission granted in September 2002 (application reference number 02000677) for the retention of Class A3 restaurant on the ground floor, states that:

The use hereby permitted shall not be continued beyond 30/01/2003 unless details of the arrangements for the storing of refuse or waste have been submitted to and approved by the Local Planning Authority and the development shall not be continued otherwise than in accordance with any approval given.

The above condition was never discharged therefore the use of the site as a restaurant (Use Class A3) is unauthorised.

- 70 The current application proposes to continue to use the existing refuse storage facility in the form of a large commercial bin on the forecourt. It is understood that the bin is emptied three times per week by a contractor, Veola, on behalf of the Council. The applicant states that Veola requires that all commercial premises within the Peckham Market area store their commercial waste in a commercial bin outside their premises for collection.

Saved policy 3.7 Waste reduction of the Southwark Plan 2007 states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities. The design of waste and recycling facilities must be easily and safely accessible, improving local amenity.

The aim of this policy is to reduce the amount of waste going to landfill and incineration. Better design of buildings to incorporate appropriate waste management facilities can assist with the sustainable management of rubbish produced in Southwark contributing to meeting the objectives of the council's waste management strategy and regional and national targets for waste management.

In this case the options are limited given a change of use is proposed. The local planning authority advised the applicant that it would be preferable to store commercial waste in smaller bins inside the premises and to take the bins out on collection days. This would provide the ability to segregate commercial waste and recyclable material.

However, given the current arrangements with Veola it is not possible in this case to improve the current refuse storage arrangement on the site.

Conclusion on planning issues

- 71 There are no objections to the principle of change of use to a restaurant (Use Class A3) and the new ventilation system and duct would disperse at an adequate height to overcome any odour problem experienced in the past by neighbouring properties. The design and location of the proposed duct is acceptable and it would not detract from the special interest or historic character or appearance of buildings within the Holly Grove conservation area.

Community impact statement

- 72 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.
- 73 a) The impact on local people is set out above.
- 74 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none.
- 75 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Consultations

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

Consultation replies

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

Summary of consultation responses

78 Fourteen letters of objection have been received.

Environmental Protection Team:
No objection.

Human rights implications

79 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.

80 This application has the legitimate aim of providing a restaurant at this location and installing an associated extract duct. 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

81 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2715-38 Application file: 10-AP-2803 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 5457 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	Andre Verster, Team Leader Team East	
Version	Final	
Dated	29 December 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		9 January 2012

Consultation undertaken

84 **Site notice date:** 08/02/2011

85 **Press notice date:** 10/02/2011

86 **Case officer site visit date:** 08/02/2011

97 **Neighbour consultation letters sent:** 10/03/2011

Internal services consulted:

88 Environmental Protection Team

Statutory and non-statutory organisations consulted:

89 None

Neighbours and local groups consulted:

90 See appendix 3.

Re-consultation:

Na

Consultation responses received

Internal services

- 91 Environmental Protection Team:
No objection to the application providing the installation of the ventilation is installed as recommended in the acoustic report by Acoustics Plus 101613b.ad.06.10.issue1.
- 92 The new ventilation system is at a high level and dispersion should occur, so providing the ventilation is properly maintained, then the system should not cause an odour problem.
- 93 Transport Team:
No comments received.

Statutory and non-statutory organisations

None.

Neighbours and local groups

- 94 Fourteen letters of objection have been received raising the following concerns:

8 Choumert Square:

Why should this property still be being considered for an A3 classification? The issue of extraction only comes in to play should Southwark, against the objections of residents, give consent for A3 classification which has already been refused on more than one occasion.

The extraction ducting would be visible from the rear of properties along Choumert Square - this is inappropriate for a conservation area and would be detrimental to the view from these properties.

Nuisance from noise and fumes.

10 Choumert Square:

The issue of extraction only comes into play should Southwark, against the objections of residents of Choumert Square, give consent for A3 classification.

The rear of the property is currently in such poor condition that it is not sealed due to gaps around piping and inadequate pointing, so extraction would not be effective. Substantial repairs need to be made to the property to ensure extraction is effective and this would need to be enforced by the Council.

The extraction would not be acceptable both on grounds of noise levels and the issue of (continued) smells to those living behind in Choumert Square.

The close proximity to the properties in Choumert Square would make A3 classification inappropriate. The previous application for A3 was refused in 2005.

Industrial fittings (large extraction ducting) would be visible from the rear of the properties on the south side of Choumert Square - this is inappropriate for a conservation area.

14 Choumert Square:

The proposed rear elevation extraction flue was deemed to be unauthorised in December 2009.

The use of the premises as a Class A3 restaurant is in non-compliance with condition 1 of planning permission reference 0200677 granted on 17 September 2002. The premises were granted A1 retail shop use.

The Inspector's decision of 14 December 2009 should be upheld.

21 Choumert Square:

Objection to the proposed location of an extraction flue with the attendant noise and smells that will follow to the detriment of Choumert Square residences.

Refer to the case history and the experience of residents between July and September 2008 when an unauthorised extractor fan was installed and the tranquility of this Conservation Area and abutting residents' homes was shattered by a high pitched motor 24 hours a day.

35 Choumert Square:

Objectors understanding from previous applications is that change of use to A3 was refused because of the extreme proximity to private houses.

The owners have had their application for A3 status turned down once already and have been warned not to cook on site.

39 Choumert Square (2 letters):

Noise created by customers, particularly late at night. This includes: Loud conversations as people come and go and gather outside; slamming of car doors; and motors starting up.

The operation of the extractor and flue up to and possibly beyond 10.30 in the evening would disturb the sleep of neighbouring properties.

Pressure put on residents' parking places, which are taken by restaurant customers in the evenings and weekends.

40 Choumert Square:

There seems to be a large extractor fan now in position at the rear of the site. Is this particular planning application seeking permission retrospectively?

Concerns regarding potential of noise disturbance from plant noise.

Vibrations and noise from the proposed extractor could loosen already dangerously damaged and potentially unstable tall Victorian chimneys on the premises' roof.

41 Choumert Square:

No new issues raised (see above).

42 Choumert Square:

The crux of the problem is the finding of a solution to the extraction of the noxious odours from the cooking with the flue which is not unacceptably noisy and does not direct the output directly into the house at the rear (Choumert Square).

43 Choumert Square:

No new issues raised.

44 Choumert Square:
No new issues raised.

45 Choumert Square:
No new issues raised.

42 Choumert Road:
No new issues raised.

Appendix 3

38 CHOUMERT ROAD LONDON SE15 4SE
40 CHOUMERT ROAD LONDON SE15 4SE
40 Choumert Square London email SE15
42 CHOUMERT ROAD LONDON SE15 4SE
36 CHOUMERT ROAD LONDON SE15 4SE
30 CHOUMERT ROAD LONDON SE15 4SE
32 CHOUMERT ROAD LONDON SE15 4SE
34 CHOUMERT ROAD LONDON SE15 4SE
46 CHOUMERT ROAD LONDON SE15 4SE
42B CHOUMERT ROAD LONDON SE15 4SE
FIRST FLOOR AND SECOND FLOOR FLAT 32 CHOUMERT ROAD LONDON SE15 4SE
FIRST FLOOR AND SECOND FLOOR FLAT 38-40 CHOUMERT ROAD LONDON SE15 4SE
44 CHOUMERT ROAD LONDON SE15 4SE
THOMAS CALTON COMMUNITY EDUCATION CENTRE ALPHA STREET LONDON SE15 4NX
CHOUMERT HOUSE THOMAS CARLTON SECONDARY SCHOOL ALPHA STREET LONDON SE15 4NX
36 CHOUMERT SQUARE LONDON SE15 4RE
37 CHOUMERT SQUARE LONDON SE15 4RE
38 CHOUMERT SQUARE LONDON SE15 4RE
7C CHOUMERT ROAD LONDON SE15 4SE
FLAT A 34-36 CHOUMERT ROAD LONDON SE15 4SE
40A CHOUMERT ROAD LONDON SE15 4AX
FIRST FLOOR AND SECOND FLOOR FLAT 30 CHOUMERT ROAD LONDON SE15 4SE
39 CHOUMERT SQUARE LONDON SE15 4RE
44 CHOUMERT SQUARE LONDON SE15 4RE
45 CHOUMERT SQUARE LONDON SE15 4RE
46 CHOUMERT SQUARE LONDON SE15 4RE
43 CHOUMERT SQUARE LONDON SE15 4RE
40 CHOUMERT SQUARE LONDON SE15 4RE
41 CHOUMERT SQUARE LONDON SE15 4RE
42 CHOUMERT SQUARE LONDON SE15 4RE
10 Choumert Sq London SE15 4RE
35 Choumert Square SE15 4RE
21 Choumert Square Peckham Rye London SE15 4RE
14 Choumert Square London SE15 4RE
8 Choumert Square London SE15 4RE
39 Choumert Square London SE15 4RE