

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.