

Item No: 6.1	Classification Open	Committee: Walworth Community Council	Date: 21 March 2012
From: Head of Development Management		Title of Report: <u>Addendum</u> Late observations, consultation responses, and further information.	

PURPOSE

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

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

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

3.1 Item 6.1 –11- AP- 3121 181-183 WALWORTH ROAD

Clarification within report

Paragraph 2, sentence four – should read as follows (text to be deleted is in strike-through): the upper floors of the property comprise three floors of residential to the front and to the rear, fronting Colworth Grove, is a three storey element which officers have established includes residential occupation.

Paragraph 43 states that a s106 planning obligation is required, however as outlined in the Transport impacts section at paragraphs 35 and 36 it is not considered that this would be either justified or required.

Recommendation

Recommended conditions 4, 5 and 10 all deal with noise from plant and machinery (e.g. extract duct). However, only condition 4 should be imposed, as conditions 5 and 10 repeat the requirements or are not relevant to this application. Conditions 5 and 10 should be deleted.

Condition 3 addresses the mitigation of impacts of the proposed ground floor use on adjoining residential uses, which in this case are on the first floor above the proposed restaurant. This condition should be imposed if consent is granted. Condition 6 however is superfluous, because it is intended to deal with mitigation of noise if there were residential uses directly adjacent to the side. In this case the adjoining uses at ground floor are commercial so condition 6 is not necessary. Condition 6 should be deleted.

A condition should be added in accordance with Paragraph 45 of the report which states that a condition requiring details of ventilation and extract should be imposed. In this regard the council's Environmental Protection Officer has advised that the plans and specification shown

within the application on drawing number 266/PA/2.01 A and the submitted 'Pollustop Specification' would be adequate to mitigate the impacts of the proposed use in terms of odour and smoke attenuation. Officers consider that a condition should be imposed requiring these specifications to be installed if the activity is carried out.

If the applicant or end user proposes to use a different system, then the onus would be on them to make an application, e.g. under s73 of the planning acts, to vary the condition and setting out how their proposed system would mitigate the impacts on amenity and would be satisfactory in relation to the design and appearance. Nearby and adjoining occupiers would be consulted on any such application so they would have an opportunity to comment on any matters of concern in relation to any different appearance of the ventilation/extract and its specifications.

A new condition should therefore be added as follows:

The use hereby permitted for restaurant purposes shall be carried out only in accordance with the installation of the ventilation and extract plans and specification comprising drawing number 266/PA/2.01 A and the submitted 'Pollustop Specification'; this specification shall be provided on site prior to first operation of the use and shall be retained as such for the life of this permission.

Reason

In order to that the Council may be satisfied that the extract and 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.

The applicant's agent has agreed in principle to the above amendments to the draft recommendation.

REASON FOR LATENESS

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

REASON FOR URGENCY

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

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street London SE1.