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## RECOMMENDATION

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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.

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|-------------------------|--------------------------|--------------------|------------|
| <b>Applicant</b>        | Mr J Vasan               | <b>Reg. Number</b> | 11-AP-1007 |
| <b>Application Type</b> | Full Planning Permission |                    |            |
| <b>Recommendation</b>   | Grant permission         | <b>Case Number</b> | TP/H2027   |

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Change of use of the ground floor from Class A1 retail to Class A5 takeaway, together with the installation of a new shopfront and the erection of ventilation ducting to the rear elevation.

**At:** 30 SEELEY DRIVE, LONDON, SE21 8QR

**In accordance with application received on** 29/03/2011

**and Applicant's Drawing Nos.** VP/SE21 rev 01 Site Location Plan, VP/SE21 rev 01 Existing Elevations Site Location Plans, VP/SE21 rev 01 Existing & Proposed Plans, VP/SE21 rev 01 Proposed Elevations & Sections, VP/SE21 rev 01 Detail Drawings and Planning Application Statement received 29/03/11

**Reasons for granting permission.**

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

Saved Policies of the Southwark Plan 2007

a] Saved policies 1.10 'Small scale shops and services outside the town and local centres and protected shopping frontages' which seeks to ensure a range of local services; 3.2 'Protection of amenity' which seeks to minimise the impact of development on the standard of amenity; 3.7 'Waste reduction' which seeks to ensure adequate provision is made for waste disposal, storage and collection. 3.12 'Quality in design' which advises that development should achieve a high standard of both architectural and urban design; 5.2 'Transport impacts' which advises that development should not adversely affect the road network; and saved policy 5.3 of the Southwark Plan (2007) which advises that adequate provision should be made for pedestrians and cyclists.

Core Strategy 2011

b] Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car. Strategic Policy 3 Shopping, Leisure and Entertainment, which guides these sorts of developments to appropriate areas and seeks to maintain a balance of uses in retail parades. Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces. Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

c] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPG24 Planning and noise

Particular regard was had to the objections raised by neighbours around noise, ventilation and highway impacts, as well as the impact of vehicles used in connection with the delivery of food on nearby occupiers. After careful consideration it was considered that, subject to conditions, these impacts could be controlled to an acceptable level and that the contribution of a new business within the street scene would add vitality to this section of Seeley Drive which would outweigh the benefits of the site remaining vacant. 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:

**Reason**

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

- 3 The delivery service associated with the use hereby permitted shall only be provided through electric powered mopeds, bicycles or on foot, and shall not utilise motorbikes, motorised mopeds or any other form of motorised transport.

**Reason**

In order to safeguard the amenities of the surrounding residential properties from noise from motorised vehicles starting and stopping at the application site in accordance with Saved policy 3.2 protection of amenity and 5.2 transport impacts of the Southwark Plan and Strategic Policy 2 Sustainable transport and Strategic Policy 13 High environmental design of the Core Strategy 2011.

- 4 The use hereby permitted for takeaway and delivery purposes shall not be open outside of the hours 1100 to 23:00 from Monday to Saturday and 1100 to 2000 on Sundays and Bank holidays.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or disturbance from customers visiting the takeaway in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, Strategic Policy 13 High environmental design of the Core Strategy 2011 and PPG24 Planning and Noise.

- 5 Prior to the commencement of the use, the applicant is required to submit a Service Management Plan for approval in writing by the local planning authority. This should include details in relation to servicing and deliveries (including refuse collection). The document should include details on where servicing will occur from, details on the nature of the likely vehicles and the frequency of these vehicle movements. These details shall be implemented as approved for the duration of the use.

**Reason**

To ensure that there is no detrimental impact in relation to highway safety and the safety of the public in accordance with Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 Sustainable transport of the Core Strategy 2011.

- 6 Dwelling houses, flats and rooms for residential purposes sharing a party element with the commercial premises hereby approved 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. The sound insulation is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

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

**Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, Strategic Policy 13 High environmental design of the Core Strategy 2011 and PPG24 Planning and Noise.

- 7 The noise level from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10(A) dB or more below the lowest measured external ambient  $L_{Aeq, T^*}$  at the site boundary. 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, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

v) The lowest existing  $L_{Aeq, T}$  measurement as already established.

vi) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

\* $L_{Aeq, T}$ .  $T = 1$  hr between 07:00 and 23:00 and 5min between 23:00 and 07:00.

**Reason**

To ensure that users of the surrounding area not suffer a loss of amenity by reason of noise nuisance and other excess noise from plant and that the operation of plant does not add by cumulative effect to the existing sound environment in accordance with saved policy 3.1 'Environmental Effects', 3.2 'Protection of Amenity' of the Southwark Plan 2007, Strategic Policy 13 High environmental design of the Core Strategy 2011 and PPG24 Planning and Noise.

8 Refuse and recycling arising from the use hereby permitted shall not at any time be stored outside the unit on public roads or within the front courtyard, unless it is immediately prior to collection.

**Reason**

In order to protect the environment and amenity of neighbours, in accordance with saved policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.