
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	Mr Y. Khan	Reg. Number	11-AP-2382
Application Type	Full Planning Permission		
Recommendation	Grant permission	Case Number	TP/2013-108

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use from retail shop (A1 use) to hot food takeaway (A5 use) including installation of an external duct to the flank elevation.

At: 110 WYNDHAM ROAD, LONDON, SE5 0UB

In accordance with application received on 15/07/2011

and Applicant's Drawing Nos. Site plan x 2, 01 Rev B, 02 Rev B, Standard Specs / Details

General Specification for Extraction System
Plasma Clean Xtract System
Design and Access Statement

Reasons for granting permission.

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

a] Strategic Policies of the Core Strategy [2011]:

Policy 3 'Shopping, Leisure and Entertainment' seeks to provide a wide range of shops, services and facilities.

Policy 12 'Design and Conservation' which requires the highest possible standards of design for buildings and public spaces.

Policy 13 'High Environmental Standards' which requires developments to meet the highest possible environmental standards.

b] Saved Policies of the Southwark Plan [2007]:

Policy 1.10 (Small scale shops and services outside the town and local centres and protected shopping frontages) seeks to protect A class uses outside town centres.

Policy 3.1 (Environmental effects) seeks to ensure that there will be no material adverse effect on the environment and quality of life arising from the new development.

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

Policy 3.6 (Air quality) advises that permission will not be granted for development that would leave to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments should provide a good standard of refuse and recycling storage and disposal.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 5.2 (Transport impacts) states that development which would create impacts on the transportation environment will not be granted.

Policy 5.3 (Walking and cycling) encourages the use of cycling and walking as alternative modes of transport.

c] Planning Policy Guidance [PPG] 24: Planning and Noise

Particular regard was had to the potential impact to the character and appearance of the host building and potential impact on the amenities of adjoining occupiers, however it was considered that the development was sufficiently designed to avoid or mitigate such impacts, subject to the imposition of conditions. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following conditions:

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: 01 Rev B, 02 Rev B, General Specification for Extraction System and Plasma Clean Xtract System (documents).

Reason:

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

- 3 The use hereby permitted for hot food takeaway (A5 use) purposes shall not be carried on outside of the hours of 12:00pm to 22:30pm Monday to Sunday (7 days a week).

Reason:

To ensure the protection of amenity for neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Dwelling houses, flats and rooms for residential purposes sharing a party element with the 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. Any scheme approved 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 in writing.

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 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 5 All of the extraction and ventilation equipment detailed in the application including the extract duct with tapered cowl and a copper activated carbon filter shall be installed and fully operational prior to the commencement of the use hereby permitted, and shall be maintained as such thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of odour nuisance from the kitchen extraction system in accordance with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 6 The rated noise level from any 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. 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 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 the Local Planning Authority for approval in writing 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) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) 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;
- i) The lowest existing $L_{A90, T}$ measurement as already established.
- ii) 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 saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, strategic policy 13 'High Environmental Standards' of the Core Strategy 2011 and PPG24: Planning and Noise.

- 7 The use hereby permitted shall not be commenced before details of the arrangements for the storing (including details of the enclosure, location and number/size of bins) and collection of refuse have been submitted to and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason:

In order that the Council may be satisfied 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 and strategic policy 13 'High Environmental Standards' of the Core Strategy.

- 8 Prior to the commencement of the development the applicant shall install and properly maintain a fat trap at the premises, and in line with best practice for the disposal of Fats, Oils and Greases (within the document 'Best Management Practices for Catering Establishments') the occupier shall ensure suitable collection of waste oil by a contractor.

Reason:

To avoid potential for blocked drains, sewage flooding and pollution to local water courses in accordance with saved policies 3.1 'Environmental effects' and 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.