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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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 M Chopra MRP Capital Limited	<b>Reg. Number</b> 12/AP/2698
<b>Application Type</b>	Full Planning Permission	
<b>Recommendation</b>	Grant with 'Grampian' Condition	<b>Case Number</b> TP/2732-162

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### Draft of Decision Notice

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

Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b4p flat) on first, second, third and fourth floors, with associated refuse and cycle storage, retention of ground floor and basement Class A1 retail use; new shopfront.

**At:** 160-162 RYE LANE, LONDON, SE15 4NB

**In accordance with application received on 14/08/2012**

**and Applicant's Drawing Nos.** GA-SL-01, EX-P-00, EX-P-01, EX-P-02, EX-E-01, EX-E-02, GA-P-B01, GA-P-LOO REV A, GA-P-L01 REV A, GA-P-L02 REV A, GA-P-L03 REV A, GA-P-L04 REV A, GA-P-R05 REV A, GA-E-01 REV A, GA-E-02 REV A; GA-S-01 REV A, 2 X Perspective Dwgs, GA-S-01 Rev A

Noise Assessment (Report ref:JW504/12124), Daylight & Sunlight Report, Air Quality Assessment, Design and Access Statement

**Reasons for granting permission.**

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

a) Core Strategy 2011

Strategic Policy 2 - Sustainable transport: We will encourage walking, cycling and the use of public transport rather than travel by car. This will help create safe, attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 3 - Shopping, Leisure and Entertainment: Which aims to strengthen the role of town centres and provide good shopping and facilities for residents

Strategic Policy 5 - Providing New Homes: Development will meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive environments, particularly in our growth areas.

Strategic Policy 10 - Jobs and businesses: We will increase the number of jobs in Southwark and create an environment in which businesses can thrive. We will also try to ensure that local people and businesses benefit from opportunities which are generated from development.

Strategic Policy 12 - Design and conservation: Development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.

Strategic Policy 13 - High environmental standards: Development will help us live and work in a way that respects the limit's of the planet's natural resources, reduces pollution and damage to the environment and helps us to adapt to climate change.

Strategic Policy 14 - Implementation and delivery seeks to ensure that our strategic vision and objectives for further protecting, enhancing and regenerating Southwark are implemented.

b] Saved Policies of the Southwark Plan 2007

Policy 3.1 (Environmental effects): seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from 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 lead to a reduction in air quality.

Policy 3.9 (Water) advises that all developments should incorporate measures to reduce demand and for rain water recycling.

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

Policy 3.13 (Urban design) seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 3.14 (Designing Out Crime) seeks to ensure that development is designed to improve community safety and crime prevention.

Policy 3.16 (Conservation areas) states that within conservation areas, development should preserve or enhance the character or appearance of the area.

Policy 3.18 (Setting of listed buildings, conservation areas and world heritage sites) states that Permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building

Policy 4.2 ("Quality of residential accommodation") ensures that good quality housing is provided for the accommodation needs of the borough.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 ("Walking and cycling") requires development to provide adequate facilities for pedestrians and cyclists.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided.

c] London Plan 2011

Policy 2.12 Central Activities Zone - Predominantly Local Activities, Policy 3.3 Increasing Housing Supply, Policy 3.8 Housing Choice, Policy 3.9 Mixed and Balanced Communities, Policy 5.1 Climate Change Mitigation, Policy 5.2 Minimising Carbon Dioxide Emissions, Policy 5.3 Sustainable Design and Construction, Policy 5.7 Renewable Energy, Policy 6.9 Cycling, Policy 6.13 Parking, Policy 7.2 An Inclusive Environment, Policy 7.3 Designing Out Crime, Policy 7.4 Local Character, Policy 7.5 Public Realm, Policy 7.6 Architecture, Policy 8.2 Planning Obligations

d] National Planning Policy Framework

- Particular regard was had to the principle of demolition and the replacement with a new build mixed-use building. This was considered to be acceptable for reasons set out in the case officer's report.
- It is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area and will enhance the Rye Lane Conservation Area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of outlook and privacy, and noise and disturbance, subject to the imposition of relevant conditions.
- Transport and highways impacts of the scheme are considered to be acceptable. Effects of the scheme on the surroundings of the site and public realm have been addressed satisfactorily, subject to the imposition of relevant conditions.

Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal

of permission. 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:

GA-P-B01, GA-P-LOO REV A, GA-P-L01 REV A, GA-P-L02 REV A, GA-P-L03 REV A, GA-P-L04 REV A, GA-P-R05 REV A, GA-E-01 REV A, GA-E-02 REV A, GA-S-01 REV A

Reason:

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

- 3 Prior to works commencing, material samples and sample-panels of all external facing materials to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The NPPF 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design, 3.13 Urban Design and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of The Southwark Plan (2007) of The Southwark Plan 2007.

- 4 The developer, owners or occupiers (for the time being) of the development hereby permitted agree that on occupation the development or any residential or commercial unit comprised in the development, with the exception of disabled persons, no individual or corporate body shall obtain a parking permit within any controlled parking zone in Southwark which may be in force in the area at any time. The owner or developer (for the time being) will make arrangements requiring owners or occupiers' compliance with the restriction on obtaining permits in accordance with this condition and submit evidence to the LPA of this prior to any occupation. If reasonably required by the local planning authority, the developer will produce documentary evidence to the Council demonstrating such compliance. No part of the development will be used or occupied except in accordance with this condition.

Reason

To ensure compliance with Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011) and saved Policy 5.2 'Transport Impacts' of the Southwark Plan (2007).

- 5 1:5/10 drawings of the proposed shop-front and typical windows shall be submitted to and approved by the Local Planning Authority before any further work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the design and details are acceptable, in the interest of the appearance of the development hereby approved in accordance with in accordance with Strategic Policy 12 Design and Conservation of the Core Strategy (2011) and saved policies 3.12 'Quality in Design', 3.13 'Urban design' and 3.16 'Conservation Areas' of The Southwark Plan 2007.

- 6 Prior to the occupation of any of the residential units hereby permitted, details of privacy screens for the balconies of Units 2, 3, 4, 5, 6 and 7 and for the terrace serving Unit 8, shall be submitted to and approved in writing by the local authority. The development shall be carried out in accordance with the details thereby approved and the privacy screens provided prior to the occupation of the dwellings and retained as such thereafter.

#### Reason

In order to ensure that the privacy of the occupiers of neighbouring occupiers is not impacted upon in accordance with saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).

- 7 Prior to commencement of development, further details of the refuse storage arrangements for the and commercial space, including capacity studies, shall be submitted to and approved in writing by the local planning authority. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

#### Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Strategic Policy 13 'High environmental standards' of the Core Strategy 2011 and saved Policies 3.2 'Protection of Amenity' and 3.7 'Waste Reduction' of the Southwark Plan July 2007.

- 8 The development shall not commence until details of an Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Environmental Management Plan shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site during construction and will include the following information for agreement
- A detailed specification of construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
  - The specification shall include details of the method of piling.
  - Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
  - Arrangements for publicity and promotion of the scheme during construction.
  - A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 High Environmental Standards of the Core Strategy and saved Policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of The Southwark Plan 2007

#### 9 Code for Sustainable Homes

- a) Before any above grade work hereby authorised begins, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum Level 4 or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- b) Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

#### Reason

To ensure the proposal complies with Strategic Policy 13 – High environmental standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 10 Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum 'Excellent' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

#### Reason

To ensure the proposal complies with Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.4 Energy Efficiency of the Southwark Plan 2007.

- 11 Before any work hereby authorised begins, details of how the residential rooms within the development sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

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).

- 12 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms- 30dB LAeq, T \* and 45dB LAFmax

Living rooms- 30dB LAeq, T †

\*- Night-time 8 hours between 23:00-07:00

†Daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and PPG 24 Planning and Noise.

- 13 (a) Before any work hereby authorised begins, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority and the method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. Prior to occupation or commencement of the use hereby permitted, the plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

(b) Within one month of the installation of the plant and equipment, a further acoustic report to demonstrate compliance with the requirements approved at (a) shall be submitted to and approved in writing by the Local Planning Authority, and the report shall include:

A schedule of all plant and equipment installed;

Location of the plant, associated ducting, attenuation and damping equipment;

Manufacturer specifications of sound emissions in octave or third octave detail;

Location of the most affected noise sensitive receptor locations and most affected windows;

Distance between plant, equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location/s;

The lowest existing LA90, T measurement as already established;

Noise monitoring data, measurement evidence, calculations demonstrating compliance with this 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.

#### **Statement of positive and proactive action in dealing with the application**

The application has been determined in a timely manner, following the receipt of the required Conservation Area Consent application.