
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 A. Topal	Reg. Number	13/AP/0277
Application Type	Full Planning Permission		
Recommendation	Grant permission	Case Number	TP/115-63

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of ground floor shop to hot food take-away (A5 class use) with installation of extraction flue system to rear and new proposed opening hours: Sunday to Wednesday 11:00 to 23:00, Thursday to Saturday 11:00 to 00:00.

At: 65 SOUTHWARK PARK ROAD, LONDON, SE16 3TY

In accordance with application received on 01/02/2013 12:00:14

and Applicant's Drawing Nos. Site Plan, 021.13/01, 021.13/02, 021.13/03, 021.13/04 (Details for extraction), 021.13/04 (Extraction flue notes), 021.13/05 Design and Access Statement

Reasons for granting permission.

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

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

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

Policy 10 'Jobs and Businesses' seeks to encourage an environment where businesses survive.

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 floorspace.

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 lead 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 3.18 (Setting of Listed Buildings, Conservation Areas and World Heritage Sites) seeks the protection of wider views of conservation areas.

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] National Planning Policy Framework [NPPF] 2011.

Particular regard was had to the potential impact upon the amenities of adjoining occupiers, however it was considered that the development was sufficiently designed to avoid or mitigate harmful 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:

021.13/01, 021.13/02, 021.13/03, 021.13/04 (Details for extraction), 021.13/04 (Extraction flue notes), 021.13/05

Reason:

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

- 3 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, 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) 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;
- vi) The lowest existing $L_{A90, T}$ measurement as already established.
- vii) 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 Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy.

- 4 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises is commenced and 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 saved plan policy 3.02 'Protection of Amenity' of the Southwark Plan 2012 and Strategic Policy 2 'Sustainable transport' of the Core strategy 2011.

- 5 The use hereby permitted for A5 hot food take-away purposes shall not be carried on outside of the hours 11:00 to 23:00 on Sunday to Wednesday and 11:00 and 00:00 on Thursday to Saturdays.

Reason

In order to protect the amenity of nearby residents, 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.

- 6 The hot food take-away [Class A5] use hereby permitted shall not include any motorised take-away or delivery service to customers.

Reason

To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise

nuisance in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan and Strategic Policies 2 'Sustainable Transport' and 13 'High Environmental Standards' of the Core Strategy 2011.

- 7 The scheme of extract ventilation shown on the approved drawings shall be carried out before the class A5 hot food takeaway use hereby permitted is commenced.

Reason

In order to that the Council may be satisfied that the 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 saved Policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does not comply with guidance and no pre application discussions were entered into. The Council is ready to enter into discussions with the applicants to assist in the preparation of a new planning application.