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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>	St John Heritage Development LLP	<b>Reg. Number</b>	13/AP/3799
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/1154-G
<b>Recommendation</b>	Grant permission		

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**Draft of Decision Notice**


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

Variation of Condition 4 of planning permission 13-AP-1123 (which was for a new six storey building providing retail use (A1) at ground floor and nine residential units on the upper four floors; 6x2bed, 2x1bed & 1x3bed. (Amendment to scheme previously granted, reference 11-AP-3963, which was for demolition of existing warehouse above ground level; retention and reuse of substructure and construction of new five storey building providing retail use (A1) at ground floor and nine residential units on the upper floors, comprising of 6 x 2 bed, 2 x 1 bed and 1 x 3 bed) by proposing an additional floor.) Proposed amendment to condition 4 to amend the opening hours from 9am to 7pm on any day to: Monday to Friday 7am-7pm, Saturday 8am-7pm, and Sunday and Bank Holidays 10am-7pm

**At:** SITE TO THE SOUTH OF EVANS GRANARY, 38 STONEY STREET, LONDON, SE1 9LB

**In accordance with application received on** 04/11/2013

**and Applicant's Drawing Nos.** CLK\_SS PL\_14 rev B; "goad" study RRG 01/11/13

**Subject to the following eighteen conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
PL\_01B; PL\_02B; PL\_03C; PL\_04B; PL\_05D; PL\_06B; PL07C; PL\_08D; PL\_09C; PL\_10C; PL\_11C; PL\_12D; PL\_13C; PL\_15; PL\_21; PL\_22; PL\_23; PL\_24

Reason:

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

- 2 The development hereby permitted shall be begun before 24 September 2016.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Unless previously discharged under reference 12-AP-2183, or 13-AP-1123, details in the form of 1:25 scale drawings, including a materials schedule, of the doors facing Winchester Square, to the residential refuse and cycle storage, and the commercial refuse and cycle storage (2 copies) to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these doors will make an acceptable contextual response in terms of design materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 4 Unless previously discharged under reference 12-AP-2183, or 13-AP-1123, section detail-drawings at a scale of (1:10) through:

parapets;  
balustrades;  
heads, sills and jambs of all openings

shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these details 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 National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 5 Unless previously discharged under reference 12-AP-2183, or 13-AP-1123, material sample-boards all external facing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and 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 National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 6 Section detail-drawings at a scale of (1:10) through:  
parapets;  
balustrades;  
heads, sills and jambs of all openings  
shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these details 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 National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 7 Unless previously discharged under reference 12-AP-2183, or 13-AP-1123, section detail-drawings at a scale of 1:5 through principal features on the facades including the colonnade at first floor level shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit.

Reason

In order that the LPA may be satisfied as to the appearance of the principal features, in accordance with saved policy 3.12 Quality in Design of the Southwark Plan 2007, and SP12 Design and Conservation of the Core Strategy 2011.

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 8 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 The National Planning Policy Framework 2012, 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.

- 9 Prior to commencement of above grade work, 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;

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 The National Planning Policy Framework 2012, 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.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 10 Before the first occupation of the building the cycle storage facilities as shown on drawing CLK\_SS PL01B, shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

**Reason**

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 11 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced CLK\_SS PL01B, shall be provided and made available for use by the occupiers and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

**Reason**

To ensure 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 The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 12 Unless previously discharged under reference 12-AP-2183, or 13-AP-1123; details of the lighting to the underpass to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building, and the development shall not be carried out otherwise than in accordance with any such approval given. The details shall also state the proposed hours of illumination.

**Reason**

In order that the Local Planning Authority may be satisfied as to the details of lighting to the underpass in the interest of protecting the amenity of the nearby and future residents in accordance with saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007, and SP13 High Environmental Standards of the Core Strategy 2011.

- 13 A Service Management Plan to include type of vehicles and frequency of deliveries/collections shall be submitted to and approved in writing prior to the occupation of the building. The Service Management Plan shall set out that the building shall only be serviced from the Winchester Square side of the development. The Service Management Plan shall also state that servicing shall only occur after 8am, and before 8pm on any day.

**Reason**

In order to ensure that the vehicles may service the building are of a suitable size to allow servicing from Winchester Square and to ensure the safe operation of the highway network, and thus the protection of the amenity of nearby residents, in accordance with saved policies 3.2 Protection of Amenity, and 5.2 Transport Impacts, of the Southwark Plan 2007, and SP2 Sustainable Transport and SP13 High Environmental Standards of the Core Strategy 2011.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 14 Safe refuge from the ground floor levels to higher levels shall be maintained at all times to allow the future users of the building to be safe in the event of a flood.

Reason:

To ensure the safe occupation of future occupants of the proposed development, and in accordance with saved policies 3.2 Protection of Amenity and 3.9 Water, of the Southwark Plan 2007.

- 15 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 LAeq, T\* at the site boundary.

\*LAeq, 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 Policy 3.1 'Environmental Effects' of the Southwark Plan 2007, and SP13 High Environmental Standards of the Core Strategy 2011.

- 16 All residential premises shall be designed to attain the following internal noise levels:  
Bedrooms- 30dB LAeq,T\* and 45dB LAfmax  
Living rooms- 30dB LAeq, T\*

\*T- Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007, SP13 High Environmental Standards of the Core Strategy 2011, and PPG 24: Planning and Noise.

- 17 Sustainability measures outlined in the SOL energy assessment, namely the Air Source Heat Pumps shall be installed and maintained throughout the lifetime of the building, and replaced whenever updated technology becomes available.

Reason

In order that the Local Planning Authority may be satisfied as to the sustainability measures employed within the building, in accordance with SP13 High Environmental Standards 2011.

- 18 The use hereby permitted for retail purposes shall not be carried on (including preparation and cleaning) outside the following hours:

Monday to Friday - 7am-7pm

Saturday 8am-7pm

Sunday and Bank Holidays 10am-7pm

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

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

Negotiations were held with the applicant to secure changes to the scheme to make it acceptable and the scheme was amended accordingly.