
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	Rontec Service Stations 1A Ltd	Reg. Number	13/AP/3439
Application Type	Full Planning Permission		
Recommendation	Grant permission	Case Number	TP/2282-37

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of the existing petrol filling station and redevelopment to provide a four storey mixed use building, comprising a new convenience sales building (Class A1) with ATM at ground floor level with 3 storeys of residential accommodation above, providing 9 residential units.

At: 37-41 PECKHAM ROAD, LONDON, SE5 8UH

In accordance with application received on 14/10/2013 12:04:32

and Applicant's Drawing Nos. Design and Access Statement; Transport Statement; Planning Noise Assessment; Air Quality Assessment; Sustainability Statement; Phase 1 Environmental Assessment; 615/SE5/27/2_1 (Site Location Plan) 110648_PL1 (Existing site plan); 110648_PL2 (Existing site elevations) 888-PL-01 (Proposed site layout); 888-PL-02 (Proposed floor plans); 888-PL-03 (Elevations sheet 1); 888-PL-04A (Elevations Sheet 2)

Subject to the following twenty-two 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: 888-PL-01 (Proposed site layout); 888-PL-02 (Proposed floor plans); 888-PL-03 (Elevations sheet 1); 888-PL-04A (Elevations Sheet 2)

Reason:

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

- 2 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.

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 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:

1) a site investigation scheme, based on the submitted phase one environmental assessment report by SLR Consulting (dated July 2013 with reference 412.03953.00002.006), to provide information for a detailed assessment of the risk to all receptors which may be affected, including those off site;

2) the results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

3) a verification plan providing details of the data which will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall

be implemented as approved.

Reason

For the protection of Controlled Waters. The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination from the petrol filling station.

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.

- 4 Prior to the commencement of above grade works and notwithstanding the materials as detailed on the approved drawings and Design and Access Statement, brick samples shall be submitted to and approved in writing by the Local Planning Authority. Additionally, material samples / sample-boards of all external facing materials, including the following shall be submitted:

i) 1m x 1m sample panel of each brickwork type, with mortar and pointing

ii) sample panel of the proposed metal panels

to be used in the carrying out of the development, shall be submitted to the Council or made available on site for inspection, and details submitted to 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 the quality of the design and details is 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

- 5 Before any work hereby authorised begins, the owner/developer shall procure at their own cost the services of a suitably qualified and competent consultant in the relevant field, and a Contaminated Land Assessment and associated remediation strategy, together with a timetable of works 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, which shall include:

a) Submission of a detailed site investigation in accordance with the approved methodology to establish the possible or actual presence of contamination and/or pollution in, on, under or over the site, to assess the nature and extent of the contamination or pollution including the actual or potential pollution of the ground and surface water environment. The method and extent of the site investigation shall be in accordance with established code of practice and should be agreed with the Local Planning Authority (Environmental Protection) before commencement of the investigation;

b) Submission of a comprehensive report containing the detailed findings of the investigation carried out together with a risk assessment of any pollutant or hazard identified in the report (using the source, pathway and receptor principle), a remediation scheme setting out the measures necessary to remove, neutralise or otherwise deal with the contamination and/or pollution (including measures to prevent and monitor pollution of ground water and surface water) so that the site may be used for the purposes for which it is being redeveloped. The remediation scheme shall be implemented at the owner/developer's cost in compliance with the reasonable conditions, stipulations, phasing timetable and other relevant matters subject to which such approval is granted.

At any time after the implementation of the approved remediation scheme, if the Local Planning Authority is reasonably satisfied that further remediation works are necessary to remove, neutralise or otherwise deal with any residual contamination and/or pollution in, on, under or over the site, the Local Planning Authority may by written notice require the owner/developer to carry out the remediation steps specified in the said notice which shall also specify the date by which the said remediation steps shall be carried out and completed. The failure on the part of the owner/developer to carry out and complete the said remediation steps to the reasonable satisfaction of the Local Planning Authority by the date specified in the said notice shall be deemed to be a breach of the owner's/developer's obligation under this consent. This does not affect any action that may be deemed necessary under Part II A of the Environmental Protection Act 1990 or other relevant legislation.

c) Submission of (following completion of remediation work) a detailed consultant validation report confirming that all reasonable skill, care and due diligence has been taken in the carrying out of the investigation, compiling the report, findings and remediation scheme, and ensuring the scheme has been properly implemented (see CLR11 for guidance). Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site.

Once the validation report at c) is submitted to and approved in writing by the Local Planning Authority the condition will be fully discharged.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 3.1 Environmental Effects, 3.2 Protection of Amenity and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason

There is always the potential for unexpected contamination to be identified during groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

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.

- 7 Prior to the occupation of the commercial unit, an acoustic report detailing the rating noise level from any plant (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.

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 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.

- 8 Prior to the first occupation of the development hereby permitted a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 9 Before the first occupation of the building the cycle storage facilities as shown on drawing 888-PL-01 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.

- 10 Prior to occupation of the unit/s hereby approved, one disabled parking space available for commercial occupants, as shown on the drawing referenced 888-PL-01 hereby approved, shall be made available, and retained for the purposes of car parking for the disabled for as long as the development is occupied.

Reason

To ensure that the parking spaces for disabled people are provided and retained in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.7 Parking standards for disabled people and the mobility impaired of the Southwark Plan 2007.

- 11 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 strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 12 The habitable rooms within the development sharing a party wall/ceiling/floor shall be designed and constructed to provide resistance to the transmission of sound sufficient to ensure that the party wall is constructed to meet a minimum of 5dB improvement compared with the Building Regulations standard set out in Approved Document E. The 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 strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012

- 13 The habitable rooms within the development sharing a party ceiling/floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20, Leq, 5min is not exceeded within the residential premises due to noise from the commercial premises is not exceeded. The scheme required to meet this standard 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 strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 14 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- 15 Before the first occupation of the building details of the arrangements for the storing of commercial refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities 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 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 16 Drawings for privacy screens proposed to balconies and terraces shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of overlooking in accordance with 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.

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.

- 17 The use hereby permitted for retail (Use Class A1) purposes at ground floor level shall not be carried on outside of the hours 23:00 to 07:00 on Monday to Sunday and Bank holidays.

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.

- 18 Prior to the first occupation of the site, the mitigation measures described in section 6 of the Air Quality Assessment REC Report: 3359421 Issues 23 September 2013 shall be implemented and retained thereafter.

Reason:

To reduce future residents' exposure to air pollution 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.

- 19 Any deliveries or collections to the commercial units shall only be between the following hours: Monday to Saturday from 08:00 to 22:00 and no collections permitted on Sundays or Bank Holidays.

Reason

To ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007.

- 20 Whilst the principles and installation of Sustainable Drainage Systems (SuDS) are to be encouraged, no infiltration of surface water drainage in to the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil or made ground which could ultimately cause pollution of groundwater.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into contaminated sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 22 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled

persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

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.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

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