
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 M. Lerner Farcastle Group	Reg. Number	14/AP/0280
Application Type	Full Planning Permission	Case Number	TP/2315-84
Recommendation	Grant With Unilateral Undertaking		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

At: 84-90 LORDSHIP LANE, LONDON, SE22 8HF

In accordance with application received on 28/01/2014

and Applicant's Drawing Nos.

Existing

Location Plan, 121/P(--)-10 Rev P3, 121/P(--)-11 Rev P2, 121/P(--)-12 Rev P2, 121/P(--)-13 Rev P2, 121/P(--)-50 Rev P2, 121/P(--)-52 Rev P2, 121/P(--)-53 Rev P2

Proposed

1121/P(--)-110 Rev P3, 111 Rev P2, 112 Rev P2, 113 Rev P2, 150 Rev P2, 151 Rev P2, 152 Rev P2, 153 Rev P2, 154 Rev P3, 200 Rev P2

Documents

Planning statement, Ecohomes pre-certification assessment, A compendium of reports on marketing, Bailey Eco roof specification, Environmental noise assessment, Aboricultural survey, Impact Assessment and Method Statement, Design and Access statement, Transport statement, Code of practice- out of hour's delivery and servicing, Noise assessment with respect to servicing noise, Schedule of materials and finishes

Subject to the following seventeen 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:

1121/P(--)-110 Rev P3, 111 Rev P2, 112 Rev P2, 113 Rev P2, 150 Rev P2, 151 Rev P2, 152 Rev P2, 153 Rev P2, 154 Rev P3, 200 Rev P2

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 the retail use (Class A1), details of the delivery servicing arrangements, including on site specific measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason

To ensure that occupiers of neighbouring residential occupiers do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery 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).

- 4 Before any work hereby authorised begins, details of the foundation works and changes to levels to be used in the construction of this development, showing how the roots will be protected, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the use of trial holes or trenches to check for the position of roots. The development shall not be carried out otherwise than in accordance with any such approval given. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of screening, local biodiversity and adaptation to climate change, in accordance with NPPF Parts 7, 8, 11 & 12, London Plan 2011 Policy 2.18 Green infrastructure; Policy 5.1 Climate change mitigation; Policy 5.10 Urban greening; Policy 6.1 Strategic approach; Policy 7.4 Local character; Policy 7.21 Trees and woodlands; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards. and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.28 Biodiversity.

- 5 The protective measures shall be installed and retained throughout the period of the works in accordance with the details contained in the Arboricultural Impact Assessment report by TreeKing dated September 2012. Protective fencing must not be moved or removed without the explicit written permission of the Local Authority Urban Forester. Within tree root protection areas any excavation must be dug by hand such that any roots found to be greater than 25mm in diameter are retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In any case, all works must adhere to BS5837: Trees in relation to demolition, design and construction (2012) and BS3998: Recommendations for tree work (2010).

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and will be designed for maximum benefit of screening, local biodiversity and adaptation to climate change in accordance with Policy 2.18 Green Infrastructure, Policy 5.1 Climate Change Mitigation, Policy 5.10 Urban Greening, Policy 7.4 Local Character, and Policy 7.21 Trees and Woodlands of the London Plan 2011; Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and conservation, and Strategic Policy 13 High environmental standards; and Saved Policy 3.28 Biodiversity and Policy 3.2 Protection of amenity of the Southwark Plan 2007.

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.

- 6 Before any fit out works to the residential premises hereby authorised begins, an independently verified Eco Homes report detailing performance in each category, overall score to achieve a minimum 'very good ' 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.

- 7 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green roof and detailed drawings at a scale 1:100 of hard and soft landscaping showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping and planters to be used in the carrying out of this permission shall be 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, and the green/brown roof/ living walls/ vertical gardens and planters are to be retained for the duration of the use. Where trees and large shrubs are proposed to be provided within planters the soil volume shall be a minimum of 4 cubic metres per tree and 1 cubic metre per shrub or climbing plant. All planters are to provide a minimum internal soil height of 1m height. Where these are at ground level planters shall have their bottoms open to native soil beneath so that roots may naturally colonise and exploit such soil. Details of irrigation shall be provided such that water is available for the maintenance of all planters by mains, grey water or other sustainable drainage specification such as attenuation tanks.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of screening, local biodiversity and adaptation to climate change, in accordance with NPPF Parts 7, 8, 11 & 12; London Plan 2011 Policy 2.18 Green infrastructure; Policy 5.1 Climate change mitigation; Policy 5.10 Urban greening, Policy 5.11 Green roofs and development site environs; Policy 5.13 Sustainable drainage and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards. and Saved Policies of The Southwark Plan 2007: Policy 3.13 Urban Design; Policy 3.2 Protection of amenity; Policy 3.28 Biodiversity.

- 8 Before any above grade work 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).

- 9 Prior to any above grade works details of the method of privacy to be erected along the boundary with 82 Lordship Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect the privacy and amenity of existing and future residential occupiers at 82 Lordship Lane from undue overlooking in accordance with SP 13 High environmental design of the Core Strategy and Policy 3.2 'Protection of Amenity' 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 Prior to the commencement of the use, the scheme of mechanical ventilation for the residential element of the development, including an appropriate inlet, appropriate outlet, details of sound attenuation for any necessary plant and any management or filtration mechanisms, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be carried out before the use hereby permitted is commenced.

Reason

In order to ensure that the ventilation of the residential elements is adequate and is protected from environmental noise and pollution and will not detract from the appearance of the building in the interests of amenity 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.

- 11 Prior to the commencement of the authorised use, 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. The method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. 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 residential occupiers do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery 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)

- 12 Before the first occupation of the residential building and retail extension the cycle storage facilities as shown on drawings 11121/P(--)-110 Rev P3 and 11121/P(--)-111 Rev P2 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.

- 13 Before the first occupation of the residential building and completion of the retail extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 1121/P(--)-110 Rev P3 shall be provided and made available for use by the occupiers of the [dwellings/premises] 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

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 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 ç

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

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

A validation test shall be carried out on a relevant sample of premises following completion of the development but prior to occupation. The results shall be submitted to the LPA for approval in writing.

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.

- 15 Servicing in connection with the proposed retail unit should not take place outside the hours of 07:00 to 22:00 from Monday to Friday, 08:00 to 21:00 on Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason

To ensure no loss of amenity through noise and disturbance to the residential occupiers adjoining the site nearby on Chesterfield Grove and Ashbourne Grove, in accordance with SP 13 High environmental standards of the Core Strategy 2011 and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

- 16 The use hereby permitted for retail A1 purposes shall not be carried on outside of the hours 07:00 to 22:00 on Monday to Saturdays or 10:00 to 18:00 on Sunday and Bank and Public 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.

Other condition(s) - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 17 Details of any external lighting (including design, power and position of luminaries) and method of security of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason: In order that the Council may be satisfied as to the details of the development in the interest of visual amenity of the area, safety and security and the amenity and privacy of adjoining occupiers in accordance with Policy 3.3 'Urban Design' of the Southwark Plan (2007) SP12 'Design and Conservation' of the draft Core Strategy (2011).

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The previous appeal decision was taken into account by the applicant as material consideration in the assessment of this case.