
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 Mohit Chopra MRP Capital Ltd.	Reg. Number	15/AP/0938
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/2732-162
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Minor amendments to planning permission 12-AP-2698 for: 'Part-three storey/part-four storey building to provide eight residential units (comprising of 2 x studio flat, 2 x 1b2p flat, 4 x 2b 4p 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' consisting of: A basement extension to the commercial unit for additional storage space; Changes to the top floor material from glazing structure to bricks; High quality bricks proposed to the entire building; Further development to the elevations including shop front design; Additional balcony to the rear elevation; Relocation of refuse storage; Green roof proposed to the front at first floor level. Submission of further details further details in relation to refuse storage, details of the shop front, details of the balconies and details of the privacy screens.

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

In accordance with application received on 17/03/2015 08:02:36

and Applicant's Drawing Nos. 289/LP/1.00 Rev OR, 289/GA/1.00(Section 73)Rev OR, 289/GA/1.01(Section 73)Rev OR, 289/GA/1.02(Section 73)Rev OR, 289/GA/1.03(Section 73)Rev OR, 289/GA/1.04(Section 73)Rev OR, 289/GA/1.05(Section 73)Rev OR, 289/GA/1.06(Section 73)Rev OR,

289/GA/2.00(Section 73) Rev A, 289/GA/2.02(Section 73) Rev A, 289/GA/3.00(Section 73)Rev B, 289/GA/3.01(Section 73)Rev B, 289/GA/3.02(Section 73)Rev B, 289/GA/3.03(Section 73)Rev B, 289/GA/3.04(Section 73)Rev A, 289/GA/3.05(Section 73)Rev OR, 289/GA/3.06(Section 73)Rev A, 289/DD/4.00(Section 73)Rev A, 289/PA/8.00(Condition 3) Rev A, 289/PA/8.01(Condition 3)Rev A, 289/PA/8.02(Condition 3)Rev A, 289/PA/8.03(Condition 3) Rev A, 289/GA/3.00(Condition 5) Rev A, 289/DD/4.00(Condition 5)Rev C, 289/DD/4.01(Condition 5)Rev A, 289/DD/4.02(Condition 5)Rev B, 289/DD/4.03(Condition 5) Rev B, 289/GA/1.01(Condition 7) Rev A, 289/PA/4.00(Condition 5) Rev B

Subject to the following thirteen conditions:**Time limit for implementing this permission and the approved plans**

- The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 289/GA/2.00(Section 73) Rev A, 289/GA/2.02(Section 73) Rev A, 289/GA/3.00(Section 73)Rev B, 289/GA/3.01(Section 73)Rev B, 289/GA/3.02(Section 73)Rev B, 289/GA/3.03(Section 73)Rev B, 289/GA/3.04(Section 73)Rev A, 289/GA/3.05(Section 73)Rev OR, 289/GA/3.06(Section 73)Rev A, 289/DD/4.00(Section 73)Rev A, 289/PA/8.00(Condition 3) Rev A, 289/PA/8.01(Condition 3)Rev A, 289/PA/8.02(Condition 3)Rev A, 289/PA/8.03(Condition 3) Rev A, 289/GA/3.00(Condition 5) Rev A, 289/DD/4.00(Condition 5)Rev C, 289/DD/4.01(Condition 5)Rev A, 289/DD/4.02(Condition 5)Rev B, 289/DD/4.03(Condition 5) Rev B, 289/GA/1.01(Condition 7) Rev A, 289/PA/4.00(Condition 5) Rev B

Reason:

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

- The development hereby permitted shall be begun before the end of 13 February 2016.

Reason

As allowed and required under 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.

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(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.

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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

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.

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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.

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.

- 6 Notwithstanding the details hereby approved, prior to occupation of the building hereby approved, a 1:1 mock up of the balcony/ terrace railings will be made available to review on site and approved 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 National Planning Policy Framework 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 3.16 Conservation Areas of The Southwark Plan 2007.

- 7 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).

- 8 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawing referenced 289-GA-1_01_Condition 7 Rev A and letter dated 10/03/15 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 201 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.

- 9 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.

- 10 The development shall be carried out in accordance with the details on Dwg no.289/DD/4.00(Section 73)Rev A,

showing the privacy screens proposed for the development, and 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).

- 11 The detailed drawings as shown on Dwg nos. 289/DD/4.00(Condition 5)Rev C, 289/DD/4.01(Condition 5)Rev A, 289/DD/4.02(Condition 5)Rev B, 289/DD/4.03(Condition 5) Rev B, 289/GA/3.00(Section 73)Rev B shall be used in the carrying out of this permission unless otherwise agreed in writing with the Local Planning Authority.

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.

- 12 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.

- 13 Unless otherwise agreed in writing, the materials shall include those be as specified on approved drawings ref:
289/GA/3.06(Section 73) Rev A
289/PA/8.00(Condition 3) Rev A
289/PA/8.01(Condition 3) Rev A
289/PA/8.02(Condition 3) Rev A
289/PA/8.03(Condition 3) Rev A

The development shall not be carried out otherwise than in accordance with these drawings unless otherwise approved in writing.

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.

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. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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