
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 Ajmal Sakhizahda	Reg. Number	16/AP/1758
Application Type	Full Planning Permission	Case Number	TP/115-75
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of commercial premises from a shop (Class A1) to a hot-food take-away (Class A5) and the erection of an extractor duct to the rear elevation.

At: 75 SOUTHWARK PARK ROAD, LONDON SE16 3TY

In accordance with application received on 21/04/2016

and Applicant's Drawing Nos. 01/06, 02/06, 03/06, 04/06, 05/06, 06/06, a Site Location Plan, a Noise Impact Assessment (Acoustics Ltd, dated 25/08/2016) and a Design and Access Statement

Subject to the following seven conditions:

Time limit for implementing this permission and the approved plans

- 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:

03/06, 04/06, 05/06 and 06/06

Reason:

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

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 hot-food take-away use hereby permitted, full particulars and details of a scheme for the ventilation of the kitchen (as per Annex B of the DEFRA Guidance referred to below) shall be submitted to, and approved by the Local Planning Authority, and the development shall not be carried out otherwise than in strict accordance with any approval given. The kitchen extract system shall be designed and operated in accordance with DEFRA's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005) - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf.

Reason:

In order to ensure that that any installed ventilation, ducting and ancillary equipment will not cause negative amenity impacts by way of odour or fume nuisance in accordance with the National Planning Policy Framework (2012), policy 7.14 (Improving air quality) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policies 3.1 (Environmental effects), 3.2 (Protection of amenity) and 3.6 (Air quality) of the Southwark Unitary Development 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.

- 4 The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises. Prior to the commencement of the authorised use, a written acoustic report detailing the proposed scheme shall be submitted to and approved by the Local Planning Authority. The method of assessment is to be carried in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The plant and equipment shall be installed and constructed in accordance with the approval given and shall be permanently maintained thereafter. Prior to the plant being commissioned a validation test shall be carried out following completion of the development and the results shall be submitted to the LPA for approval in writing.

Reason:

To ensure that occupiers of neighbouring premises 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), policy 7.15 (Reducing and managing noise, etc.) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policies 3.1 (Environmental effects) and 3.2 (Protection of amenity) of the Southwark Unitary Development Plan (2007).

- 5 Prior to the commencement of the hot-food take-away use (Class A5) hereby permitted details of the arrangements for the storing of commercial refuse within the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided and 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.

- 6 The hot food take-away (Class A5) use hereby permitted shall not include any motorised delivery service to off-site 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 the National Planning Policy Framework (2012), policy 7.15 (Reducing noise and enhancing soundscapes) of the London Plan (2016), strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) and saved policy 3.2 (Protection of Amenity) of the Southwark Unitary Development Plan (2007).

- 7 The hot-food take-away use hereby permitted shall not be carried on outside of the hours 09:00-23:00hrs between Monday and Saturday and 10:00-22:00hrs on Sundays 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.

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.

The local planning authority delivered the decision in a timely manner.

Informative

The applicant is advised that Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.