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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>        | Mrs. H Sanni             | <b>Reg. Number</b> | 10-AP-2803 |
| <b>Application Type</b> | Full Planning Permission | <b>Case Number</b> | TP/2715-38 |
| <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:**

Retention of Class A3 Use (restaurant) on the ground floor, installation of an extractor flue to the rear elevation and refuse storage facilities to the forecourt.

**At:** 38-40 CHOUMERT ROAD, LONDON, SE15 4SE

**In accordance with application received on** 27/09/2010 08:01:46

**and Applicant's Drawing Nos.** Site location plan; 0910-005; PR/NRL/03rev1; Existing rear elevation page 1 of 2, Proposed rear elevation page 2 of 2, Section view page 3 of 3; Design and Access Statement; Environmental Noise Assessment.

**Reasons for granting permission.**

This planning application was considered with regard to various policies including, but not exclusively:

a] Policies 1.7 Development within town and local centres seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met, 3.2 Protection of amenity advises that permission will not be granted where it would cause a loss of amenity, 3.6 Air quality advises that permission will not be granted for development that would lead to a reduction in air quality, 3.11 Efficient use of land seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure, 3.12 Quality in design requires new development to achieve a high quality of architectural and urban design, 3.13 Urban design advises that principles of good design must be taken into account in all developments, 3.15 Conservation of the historic environment requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance, 3.16 Conservation areas states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials, 3.18 Setting of listed buildings, conservation areas and world heritage sites advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site, 5.2 Transport impacts states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site, 5.3 Walking and cycling seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area of the Southwark Plan [July 2007].

b] Strategic Policies 3 Shopping, leisure and entertainment which defines a hierarchy of town and local centres which reflect their sizes and roles, 10 Jobs and businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough, 12 Design and conservation which requires the highest possible standards of design for buildings and public spaces, 13 High environmental standards which requires developments to meet the highest possible environmental standards of the Core Strategy 2011.

c] Planning Policy Statements [PPS] 5: Planning for the Historic Environment.

Particular regard was had to the impact on amenity of neighbouring residential properties and the impact on visual amenities but any harm arising was insufficient to justify refusing permission. The development would preserve the character of the conservation area. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**Subject to the following condition:**

- 1 The development hereby permitted shall be completed before the end of 6 months from the date of the permission.

Reason

As allowed and required under Section 91 of the Town and Country Planning Act 1990, the standard 3 year period being inappropriate in this case because of the extensive enforcement history and in the interest of the amenity of neighbouring residential properties. This would be in 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.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

0910-005; PR/NRL/03rev1; Proposed rear elevation page 2 of 2, Section view page 3 of 3.

Reason:

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

- 3 Notwithstanding drawing number 'pages 2 of 2' hereby approved the redundant low level fan shall be removed 3 months after this decision.

Reason:

In order to ensure that the low level fan is not used and to prevent odour, fume or noise nuisance therefrom in the interests of amenity of neighbouring properties 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 and Planning Policy Guidance 24 Planning and Noise.

- 4 The use hereby permitted for a restaurant (Use Class A3) shall not be carried on outside of the hours 7.30am to 11.30pm on Monday to Saturday or 10am to 11pm on Sunday and Bank Holidays.

Reason:

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

- 5 Before the installation of the flue hereby permitted and notwithstanding drawing PR NRL 03 rev 1 hereby approved 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 commercial unit and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 Protection of Amenity and 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 6 The scheme of extract ventilation from the kitchen as shown on the approved drawings and detailed in acoustic report by Acoustics Plus 101613b.ad.06.10.issue1 shall be carried out before the end of 6 months from the date of the permission.

Reason

In order to ensure that that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity 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 and Planning Policy Guidance 24 Planning and Noise.