
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 Mrs L Myers
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 11-AP-3121

Case Number TP/1065-181

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of existing retail premises [Use Class A1] to a restaurant/takeaway [Use Classes A3/A5] together with the installation of a ventilation ducting above the roof of the property on the northern side of the property, insertion of fire exit door in roller shutter at the rear and replacement of front double entrance doors.

At: 181-183 WALWORTH ROAD, LONDON, SE17 1RW

In accordance with application received on 22/09/2011 08:00:53
and revisions/amendments received on 27/01/2012
18/10/2011

and Applicant's Drawing Nos. Design and Access Statement, Planning Statement, Halton Pollustop Specification. 266/EX/1.01, 266/EX/1.02 A, 266/EX/2.01, 266/PA/1.01, 266/PA/ 1.02 A, 266/PA/2.01, OS MAP

Reasons for granting planning permission.

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

a] The Core Strategy 2011

SP 2 (Sustainable Transport) aims to encourage walking, cycling and the use of public transport rather than travel by car.

SP 3 (Shopping, Leisure and Entertainment) advises that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

SP 10 (Jobs and Businesses) seeks to increase the number of job in Southwark and create an environment in which business can thrive

SP 12 (Design and Conservation) ensures design of development is of the highest possible standards.

SP 13 (High Environmental Standards) requires development to meet the highest possible environmental standards.

b] Southwark Plan [July 2007]

Saved Policy 1.7 (Development Within Town and Local Centres) states that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

Saved Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Saved Policy 3.12 (Quality in Design) advises that developments should achieve a high quality of both architectural and urban design

Saved Policy 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.

Saved Policy 5.3 (Walking and Cycling) seeks to ensure there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area.

Saved Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

c] London Plan 2011

Policies 2.15 Town centres, 4.7 Retail and town centre development, 7.14 Air quality, 7.15 Reducing noise and enhancing soundscapes

PPG 13 - Planning and Transport

PPG 24 - Planning and Noise

Particular regard was had to the impact on local residential amenity that would result from the proposed development but it was considered that any material harm would be adequately mitigated by way of conditions. The use would also be acceptable taking into account the location of the property within a Town Centre where uses of such nature are encouraged. Particular regard was had to the change of use from retail use to a restaurant/take-away, where it was considered that a restaurant/take-away would be acceptable in this shopping frontage and would maintain the vitality and viability of the frontage. There was not considered to be any material harm arising in relation to transport impacts. 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 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: 266/PA/1.01, 266/PA/1.02 A, 266/PA/2.01

Reason:

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

- 3 The use hereby permitted for restaurant purposes shall not be begun until full particulars and details of a scheme to insulate the premises against the transmission of airborne and impact sound to the residential properties above has been submitted to (2 copies) and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to the first operation of the use hereby permitted. Any such scheme shall be so designed that noise from the use does not, at any time, increase the ambient equivalent noise level measured immediately outside any of the adjoining or nearby premises.

Reason

In order to that the Council may be satisfied 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 Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007, and Planning Policy Guidance 24 Planning and Noise.

- 4 The rated noise level from any plant, together with any associated ducting, shall be 10 dB (A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, a further noise report shall be submitted to and approved in writing by the Local Planning Authority confirming that previous details and subsequent measurement data of the installed plant demonstrate compliance with the above requirements.

The supplementary acoustic report shall include;

- i) A schedule of all plant and equipment installed
- ii) Locations of the plant and machinery associated ducting, attenuation and damping equipment
- iii) Manufacturer specifications of sound emissions in octave or third octave detail
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows
- v) Distances between plant and equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location
- vi) The lowest existing La90, T measurement as already established
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning 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 Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and PPG24 - Planning and Noise.

- 5 The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the ambient equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Strategic Policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan July 2007 and Planning Policy Guidance 24 Planning and Noise.

- 6 Dwelling houses, flats and rooms for residential purposes sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the commercial premises. A scheme of works shall be submitted to and approved by the Local Planning Authority prior to implementation of the scheme and any such scheme approved is to be completed prior to the commencement of the use and shall be permanently maintained thereafter.

A test shall be carried out after the completion but prior to occupation to show that the criterion above have been met and the results submitted to the Local Planning Authority.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Strategic Policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan July 2007 and Planning Policy Guidance 24 Planning and Noise.

- 7 The restaurant/take-away [Class A3/A5] use hereby permitted shall not include any motorised delivery service to customers.

Reason

To ensure that the proposed development does not have a detrimental impact on the safety and operation of the surrounding highway and network in accordance with Saved Policy 5.2 'Transport Impact' of the Southwark Plan, July 2007.

- 8 The use hereby permitted for restaurant/take-away (Use Classes A3/A5) purposes shall not be carried on outside of the hours 0730 hours to 2300 hours Mondays to Thursdays, 0800 hours to 2230 hours on Sundays and Bank Holidays and 0730 hours to midnight on Fridays and Saturdays.

Reason

In order to safeguard the amenities of nearby residents by reason of noise and disturbance 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 (July 2007).

- 9 The servicing arrangements, including refuse collection, for the proposed restaurant/take-away use (Use Classes A3/A5) shall only be carried on from the rear of the premises on Colworth Grove and shall only take place between the hours 0800 hours to 1700 hours on Mondays to Fridays and not at all at weekends and bank holidays.

Reason

In order to safeguard the amenities of nearby residents by reason of noise and disturbance 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 (July 2007).

- 10 The rated noise level from the proposed plant together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises – a positive indication that complaints are unlikely - at all times. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with the plans hereby permitted, and so as to adhere to the noise limit specified, and be permanently retained as such thereafter.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from the proposed plant in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2012 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007.

- 11 Before the first occupation of the A3 Use premises, 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 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.

- 12 A Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the permission granted. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

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