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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>	Mr P. Reilly	<b>Reg. Number</b>	09-AP-0804
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/2315-52
<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:

Variation of condition 7 of planning permission reference: 07-AP 2843 to extend opening hours of wine bar from 10:00-23:00 on Monday- Thursday, 11:00-00:00 on Friday and Saturday and 11:00-22:30 on Sunday to: 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

**At:** 52 LORDSHIP LANE, LONDON, SE22 8HJ

**In accordance with application received on 22/04/2009**

**and Applicant's Drawing Nos.**

#### **Subject to the following condition:**

- 1 The premises shall not remain open outside the hours of 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

**Reason**

To safeguard the amenities of neighbouring residential properties in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007

- 2 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises is commenced and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

**Reason**

In order that the Council may be satisfied 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 Policy 3.7 'Waste reduction' of the Southwark Plan 2007.

- 3 The outdoor area at the front of the shopfront is to be designated as a smoking area only and appropriate signage provided to inform patrons accordingly. This area may not be occupied by any table or chairs.

**Reason:**

To protect public amenity in accordance with Policies 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 4 The external space to the rear of the main building shall not be used as a sitting out area by customers to the business at any time.

**Reason**

In order to ensure that the use of the premises does not cause a loss of amenity to the adjoining occupiers by reason of noise and disturbance, in accordance with Policy 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 5 The use hereby permitted for wine bar 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 has been submitted to (2 copies) and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given. 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 (or in the case of separate units of occupation within the same building then inside those units).

Reason

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

- 6 As there is no kitchen ventilation duct proposed as part of this application, no primary cooking of unprepared food shall be carried out within the premises. Only re-heated food that has been prepared elsewhere shall be served within the premises.

Reason:

To prevent a loss of amenity to adjoining residential properties in accordance with Policy 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 7 The use hereby permitted shall not be begun until full particulars and details (2 copies) of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to that the Council may be satisfied that the premises would be adequately ventilated and 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 Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Planning Policy Guidance 24 Planning and Noise.

- 8 The proposed use as an A4 drinking establishment shall occupy the ground and basement floors with a kitchen on the first floor back addition. The remainder of the first and second floors shall be used to provide class C3 residential accommodation for staff.

Reason

The use of the upper floors as A4 premises would be contrary to the objectives of Policy 4.6 Loss of residential accommodation the Southwark Plan which seeks to retain residential floorspace. In addition a general A4 use throughout the building could potentially give rise to noise nuisance to the adjoining residential properties contrary to Policy 3.2 Protection of amenity of the Southwark Plan 2007.

- 9 The ground floor window to the rear elevation hereby permitted shall be fixed shut and shall be maintained as such hereafter.

Reason

To prevent noise nuisance being carried through to the rear of the premises and in the interests of the amenity of the adjoining residential properties in accordance with Policy 3.2 Protection of amenity of the Southwark Plan 2007.

**Reasons for granting planning permission.**

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

- a] Policies 3.2 Protection of Amenity, 3.7 Waste Reduction, 3.12 Quality in Design, 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan [July 2007].
- b] Planning Policy Statements [PPS] and Guidance Notes [PPG 24: Planning and Noise (October 1994)].

Particular regard was had to the potential for noise and disturbance to neighbouring occupiers, but given that the site is located in a district town centre of which late night uses form part of the character, its position on a main road, the lack of any adverse comments from the Council's Public Protection Team and because the Council has already granted a premises licence for the hours proposed, it was considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.