

Committee	PLANNING COMMITTEE B	
Report Title	50-52 Rushey Green SE6 4JD	
Ward	Rushey Green	
Contributors	Amanda Ghani	
Class	PART 1	25 th April 2019

<u>Reg. Nos.</u>	DC/18/108925
<u>Application dated</u>	14/09/18
<u>Applicant</u>	Planning Potential
<u>Proposal</u>	An application submitted under Section 73 of the Town & Country Planning Act 1990 for a variation of the wording of Condition (12) of the planning permission DC/96/40423 dated 21 February 1997 and further amended on appeal in DC/14/88926 dated 14 August 2015 from 'No deliveries shall be taken or despatched from the site outside the hours of 7am and 11pm on Mondays to Saturdays and 9am to 6pm on Sundays and Bank Holidays' to 'No deliveries shall be taken or despatched from the site outside the hours of 7am and 11pm on Monday to Saturday and 9am and 9pm on Sundays and Bank Holidays' at 50-52 Rushey Green, London, SE6 4JD.
<u>Applicant's Plan Nos.</u>	Site Location Plan; Acoustic Consultants Report dated 14 September 2018
<u>Background Papers</u>	(1) Case File LE/857/42/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	PTAL 26A Shopping Non-Core Area Major District Centre Area of Archaeological Priority Not in a Conservation Area Not a Listed Building A Road
<u>Screening</u>	N/A

1.0 PROPERTY/SITE DESCRIPTION

- 1.1 The property is an Aldi supermarket, located on a corner site, bounded by Rushey Green (A21) and Bradgate Road. The property is occupied by a single-storey supermarket building.
- 1.2 The property is within the Catford Town Centre area. It is designated as a secondary shopping frontage in the Lewisham Core Strategy. It is not within a Conservation Area and is not within the vicinity of any listed buildings. There are no Article 4 directions applying to the property.

2.0 RELEVANT PLANNING HISTORY

DC/96/40423: An outline application for the redevelopment of the site of 42/52 Rushey Green SE6 and land at the rear with a single storey food retail store of approx. 1325m² and 102 parking spaces with access onto Bradgate Road. Granted.

DC/06/62935: The construction of extensions to the sides of the Aldi Store, 42-52 Rushey Green SE6, to provide a loading bay, staff room, new entrance/exit and additional retail floor space, together with alterations to the elevations. Granted 20/09/06

DC/06/63931: The display of one internally illuminated freestanding sign and one internally illuminated fascia sign at 42-52 Rushey Green SE6. Granted 5/12/06

DC/06/64257: The construction of extensions to the sides of the Aldi Store, to provide a loading bay, staff room, new entrance/exit and additional retail floor space, together with alterations to the elevations. Amendment to DC/06/62935. Granted 23/01/07. **DC/09/72444** - Planning application for the erection of an extension on the rear of the existing building. Granted 31/05/11.

DC/13/084584 - The construction of two extensions to the gable ends of the existing retail unit at Aldi Stores, 42-52 Rushey Green SE6 to provide additional retail area (277sq.m. gross floor space) together with alterations to the shopfront, main entrance, delivery area, landscaping and other external alterations. Granted 25/02/14

DC/14/86863 – The display of 7 non-illuminated advertisement graphic glazing panels to be fixed to the front and rear elevations of Aldi Store 50-52 Rushey Green SE6. Granted 14/12/18.

DC/14/087398 - Section 73 application to vary Condition 2 of permission DC/13/84584 for minor material amendments to the permitted scheme including revised canopy (separated into two separate canopies, extended on the east elevation and the chamfer removed), Entrance and Exit with canopy and glazed doors introduced to the Rushey Green elevation, Staff window retained as existing on the Rushey Green elevation, Fire door removed from the east elevation and relocated to the Rushey Green elevation by the staff window, Seven parent and child spaces amended to three, Additional shopfront glazing to the east elevation, Steps revised to a ramp by the fire exit on the car park elevation, Roof access ladder shown by service ramp, Bin store relocated, Disabled car parking spaces reduced from eight to five, Reduced warehouse area to allow for increased retail

area, Hatched path provided for use by parent and child and disabled designated spaces, Steps provided to footpath by service ramp. Granted 26/06/14

DC/14/88520 - The display of 3 X internally illuminated and 2 x non-illuminated canopy fascia signs & 1 x above fascia level internally illuminated sign on Bradgate Road elevation and 1 x non-illuminated & 2 x internally illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6. Granted 24/01/19.

DC/14/88854 - Installation of two post mounted internally illuminated advertisement signs at the corner of Rushey Green and Bradgate Road. Granted 06/12/18

DC/14/88926 - An application submitted under Section 73 of the Town & Country Planning Act 1990 for a variation of the wording of Condition 4 of the planning permission DC/96/040423 dated 21 February 1997 from ' the premises shall not be open for customer business between the hours of 8pm and 8am on any day of the week to 'the premises shall not be open for customer business between the hours of 10pm and 8am on any day of the week' and a variation of Condition 12 from 'No deliveries shall be taken or despatched from the site outside the hours of 7am and 9pm on Mondays to Saturdays and not at all on Sundays and Bank Holidays to ' No deliveries shall be taken or despatched from the site outside the hours of 6am and 11pm on Monday to Saturday and 7am and 11pm on Sundays and Bank Holidays' at 50-52 Rushey Green, London, SE6 4JD. Refused 26/11/14 due to:-

The extension to the trading and delivery hours have resulted in a significant impact on the amenities of neighbouring residents by way of increased noise, disruption and general disturbance contrary to Saved Policies HSG 4 Residential amenity and ENV.PRO 11 Noise Generating Development of the Unitary Development Plan (2004) and DM Policy 26 Noise and vibration of the Development Management Local Plan - Post EiP Version (July 2014).

The application was subsequently appealed, the appeal was allowed, and planning permission granted on 14th August 2015. The inspector considered in his report that an extension to the store opening times in the evening although likely to marginally increase noise levels, would still be within World Health Organisation daytime guidelines of 55dB.

DC/15/091578 - An application submitted under S73 of the Town and Country Planning Act 1990 for a minor material amendment in connection with the planning permission (DC/96/40423) dated 11 September 1996 for the erection of a single storey food retail store of 1,325sqm together with servicing area and 102 parking spaces with access from Bradgate Road on the site of 42-52 Rushey Green SE6 and land at the rear; in order to amend the wording of Condition (4) from 'The premises shall not be open for customer business between the hours of 8pm and 8am on any day of the week' to 'The premises shall not be open for customer business between the hours of 10pm and 8am on any day of the week'. Refused 25/06/15 due to:-

The extension to the trading hours have resulted in a significant impact on the amenities of neighbouring residents by way of increased noise, disruption and

general disturbance contrary to the National Planning Policy Framework (2012), Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan (2015) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

DC/15/091583 - An application submitted under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment in connection with the planning permission (DC/96/40423) dated 11 September 1996 for the erection of a single storey food retail store of 1,325sqm together with servicing area and 102 parking spaces with access from Bradgate Road on the site of 42-52 Rushey Green SE6 and land at the rear; **in order to amend the wording of Condition (12) from 'No vehicular deliveries shall take place to the retail food store other than between the hours of 7 am and 9 pm on Mondays to Saturdays and not at all on Sundays and Bank Holidays' to 'No vehicular deliveries shall be taken or despatched from the site outside the hours of 6am and 11pm on Monday to Saturday and 7am to 11pm on Sundays'. Refused 18/06/15 due to:-**

The extension to the delivery hours has resulted in a significant impact on the amenities of neighbouring residents by way of increased noise, disruption and general disturbance contrary to the National Planning Policy Framework (2012), Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan (2015) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

In July 2014, a Section 80 Notice was served on the store because of noise generated from the deliveries, which was witnessed by colleagues from the noise team at that time.

EN/14/00402 – an enforcement case was opened as a complaint was received in October 2014 regarding the Aldi Store operating beyond permitted trading and delivery hours.

Noise from deliveries appears to have been reduced as there have been no further complaints made to either the Environmental Protection or Planning Enforcement teams

3.0 CURRENT PLANNING APPLICATION

3.1 The current application seeks to extend the hours of delivery on Sundays and Bank Holidays by 3 hours from 9am to 6pm to 9am to 9pm.

3.2 Condition 12 of the original planning permission, stated that 'No vehicular deliveries shall take place to the retail food store other than between the hours of 7am and 9pm Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

3.3 Application DC/14/88926 sought to change the wording of condition 12 to ' No deliveries shall be taken or despatched from the site outside the hours of 6am and 11pm on Monday to Saturday and 7am and 11pm on Sundays and Bank Holidays'

3.4 The inspector considered such delivery hours would result in a significant adverse impact on the health and quality of life of occupiers of neighbouring residential properties. However, the appellant in their appeal statement suggested an alternative delivery hours condition, which reads as follows: 'No deliveries shall be taken or dispatched from the site outside the hours of 7am and 11pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays'. The inspector found this to be acceptable and added the following conditions to the approval.

- No deliveries shall be taken or despatched from the site outside the hours of 07.00 and 23.00 Monday to Saturday and 09.00 to 18.00 Sundays and Bank Holidays.
- The refrigeration of all delivery/collection vehicles shall be switched off prior to arrival at the store between the hours of 22.00 and 08.00
- The reversing alarms and all other audible alarms/warning devices of all delivery/collection vehicles shall be switched off whilst at the store between the hours of 22.00 and 08.00.
- The engines of all delivery/collection vehicles shall be switched off when not manoeuvring and no horns sounded or radios used (except in an emergency) between the hours 22.00 and 08.00.

3.5 The inspector concluded that the conditions would be sufficient mitigation measures for noise reduction. With regards to the current application, the last three conditions are proposed to remain as existing and are numbered as Conditions 12, 13 and 14.

3.6 According to the applicant, the proposal has been submitted due to the existing Sunday and Bank Holiday delivery hours remaining a constraint on ALDI's ability to operate and trade efficiently, in line with customer growth in recent years.

4.0 CONSULTATION

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 A site notice was displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. Four responses were received objecting to the proposed development. The following concerns are material considerations and are summarised below.

4.3 Councillor Walsh asked this matter to be referred to a planning committee if officers were minded to approve the variation to the condition.

5.0 POLICY CONTEXT

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 5.2 A local finance consideration means:-
- a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 5.3 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2019

- 5.4 The revised NPPF, originally published in 2012, was revised on 19th February 2019 and is a material consideration in the determination of planning and related applications.
- 5.5 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.6 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 5.7 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas. Paragraph 180 refers to noise.

London Plan (March 2016)

- 5.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015).

The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. The Examination in Public commenced on 15 January 2019 and is scheduled to conclude on 17 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP). The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 2.15 Town centres
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

5.9 The London Plan SPG's relevant to this application are:-

Town Centres (July 2014)

Core Strategy

5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 6 Retail hierarchy and location of retail development
Core Strategy Policy 14 Sustainable movement and transport

Development Management Plan

5.11 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 13 Location of main town centre uses
DM Policy 14 District Centres shopping frontages
DM Policy 26 Noise and vibration

6.0 PLANNING CONSIDERATIONS

Impact on adjoining properties.

6.1 The application is seeking approval to vary a condition under S.73 of the Town and Country Planning Act 1990. A minor material amendment is one "whose scale

and nature results in a development which is not substantially different from the one which has been approved". Whilst this is not a statutory definition it is acknowledged as appropriate by the Planning Authority.

- 6.2 It is important for the mental health and wellbeing of residents that noise is managed to the right levels in the right areas. The borough contains both noise generating uses and locations that are sensitive to noise and thus DM Policy 26 is required to ensure the interaction between such areas is avoided if possible and mitigated if not.
- 6.3 The site is located within a major town centre within a secondary shopping frontage. The retail unit is located on Rushey Green, with a large car park to the rear that is accessed from Bradgate Road. The site experiences a high level of footfall and vehicular movement. The NPPF promotes competitive town centre environments and recognises that town centres are integral to communities and therefore their viability and vitality should be supported. Given the location, officers consider that the principle of extending the hours of deliveries would be considered acceptable, subject to an assessment of the impact on neighbouring amenity.
- 6.4 The store's car park is surrounded to the north, south and west by residential properties, which back onto the site. The primary entrance for car park users is located to the rear of the store, whilst pedestrians use the entrance to the front, off Rushey Green. The delivery point is to the south of the site.
- The surrounding residential properties are considered to be noise sensitive. Careful consideration therefore needs to be given to the impact of the extended delivery hours on these neighbouring properties.
- 6.5 There are a number of historic complaints that have been made to the Council's Environmental Health Department regarding noise and disturbance, specifically relating to the noise generated by deliveries. Objections have been received with regards to the current application, from neighbouring properties that specifically relate to noise and general disturbance from the comings and goings of customers and by deliveries..
- 6.6 The applicant has provided an Environmental Noise Report. The report outlines the World Health Organisation Guidelines, contains a noise assessment, a noise survey that was undertaken on Sunday 6th August 2018 and the assessment results.
- 6.7 According to the Environmental Noise Report, assessment results show background sound levels on a Sunday to be 49dB L at 18.00 hours reducing to 46dB L by 21.00 hours. Predicted delivery activity noise levels at this time would be 41dB L. It is considered that noise from delivery activity will be perceptible, resulting in a slight/moderate impact, however it would be below existing ambient noise levels and below the World Health Organisation day time guideline of 55dB L.
- 6.8 Aldi Stores use a level dock delivery process whereby vehicles reverse up to the loading bay located at the store. The goods are wheeled in cages directly off the lorry and into the warehouse without the use of a tailgate or any lifting equipment.

The applicant states that this allows any noise resulting from deliveries to be minimised. This arrangement is already established at the subject store.

The proposal does not increase the number of deliveries taking place but rather looks to extend the delivery window.

- 6.9 The Council's Environmental Health Officer has assessed the submitted report and has raised a concern that by extending the delivery window, additional deliveries could be received which could impact on local residents. Restricting the number of deliveries to the store is not something that can be conditioned. The possibility of an increased or decreased number of deliveries therefore would remain as existing. However, In the applicant's covering letter and in the summary section (P.15) of the Environmental Noise Report it states that, "the overall number of deliveries will remain the same".
- 6.10 Whilst the store has not operated in accordance with previously imposed planning conditions in the past, officers can confirm that there have been no recent complaints of such breaches to The Environmental Health Team or Planning Enforcement. However, as pointed out in the Inspectors report (APP/C5690/W/15/3009050) the imposed conditions are enforceable and it is up to the Local Planning Authority to ensure that proper monitoring and enforcement takes place should the need arise.
- 6.11 Having taken all the above in to consideration, officers are of the opinion that the proposed change in delivery hours for Sundays and Bank holidays to be acceptable.

7.0 HUMAN RIGHTS ACT

- 7.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way, which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
 - Peaceful enjoyment of one's property
- 7.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.0 EQUALITIES CONSIDERATIONS

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - b. advance equality of opportunity between people who share a protected characteristic and those who do not;
 - c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

8.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9.0 CONCLUSION

9.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the revised National Planning Policy Framework (2019).

9.2 The extension to the delivery hours from 6pm to 9pm on Sundays and Bank Holidays would not result in a significant impact on the amenities of neighbouring residents by way of increased noise, disruption or general disturbance and would not be contrary to current planning policy. For these reasons, it is recommended permission is granted

10.0 RECOMMENDATION

Authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

- (a) In the case of any reserved matter, application for approval must be made not later than expiration of 3 years beginning with the date of the grant of this outline planning permission dated 21st February 1997.
- (b) The development to which this permission relates must be begun not later than:
 - (i) The expiration of 5 years from the date of the grant of outline planning permission.
If later, the expiration of 2 years from the final approval to the reserved matters or, in the case of approval on different dates the final approval of the last matter to be approved.
- 1) Loading or unloading of goods including fuel, shall only be carried out within the curtilage of the building and/or site, and any such servicing area and shall be retained permanently and left unobstructed at all times.

Reason: To avoid obstruction of neighbouring streets and to safeguard the amenities of adjacent premises.

- 2) The whole of the car parking accommodation shown on the drawing shall be provided and retained permanently for the accommodation of vehicles of the occupiers (including employees using the building and persons calling at the building for the purposes of conducting business with the occupiers thereof), and the premises shall not be occupied until such car parking accommodation has been provided.

Reason: To ensure the permanent retention of the space for parking purposes and ensure that the use of the building does not increase on-street parking in the vicinity.

- 3) The premises shall not be open for customer business between the hours of 10pm and 8am on any day of the week.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 4) Access to the development for people with disabilities shall be permanently maintained thereafter to the satisfaction of the local planning authority.

Reason: In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 and the Code of Practice for Access of the Disabled to Buildings (BS5810: 1979) which relate to satisfactory access to buildings for people with disabilities.

- 5) The existing car parking spaces designed in accordance with the local planning authority's adopted car parking standards for people with disabilities shall be retained in perpetuity.

Reason: In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to the provision of satisfactory access to buildings for people with disabilities.

- 6) No music or amplified sound system shall be used which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally.

- 7) Details of any plant machinery to be used on the premises shall be submitted to and approved in writing by the Council before the use hereby approved commences, and any soundproofing considered necessary by the Council shall be installed and maintained permanently to the satisfaction of the Council.

Reason: To safeguard the amenities of the adjoining premises and the area generally

- 8) Details of any extraction, ventilation, air conditioning or refrigeration plant or machinery to be used on the premises shall be submitted to and approved in writing by the local planning authority before the use hereby approved commences, and any soundproofing considered necessary by the local planning authority shall be installed and maintained permanently to the satisfaction of the Council.

Reason: To safeguard the amenities of the adjoining premises and the area generally

- 9) No deliveries shall be taken or despatched from the site outside the hours of 07.00 and 23.00 Monday to Saturday and 09.00 to 21.00 Sundays and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 10) Details of a scheme of management of the proposed car park to ensure that spaces are occupied solely by the vehicles of customers and staff shall be submitted to any approved in writing by the local planning authority prior to the commencement of development and shall be implemented and maintained permanently to the satisfaction of the local planning authority.

Reason: To ensure that the use of the building does not increase on-street parking in the vicinity.

- 11) Details of any floodlighting and/or security lighting to the building shall be submitted to and approved by the local planning authority before installation.

Reason: To protect the amenities of adjoining residents.

- 12) The refrigeration of all delivery/collection vehicles shall be switched off prior to arrival at the store between the hours of 22.00 and 08.00

Reason: To protect the amenities of adjoining residents

- 13) The reversing alarms and all other audible alarms/warning devices of all delivery/collection vehicles shall be switched off whilst at the store between the hours of 22.00 and 08.00.

Reason: To protect the amenities of adjoining residents

- 14) The engines of all delivery/collection vehicles shall be switched off when not manoeuvring and no horns sounded or radios used (except in an emergency) between the hours 22.00 and 08.00.

Reason: To protect the amenities of adjoining residents

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, the proposal was clearly in accordance with the Development Plan.

The applicant is advised that there are no outstanding conditions attached to DC/96/040423 that still require information to be submitted for approval