

Appeal Decision

Hearing held on 17 August 2016

Site visit made on 17 August 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/P4605/W/16/3149213

316 Clarence Road, Sutton Four Oaks, Sutton Coldfield B74 4LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hugh Picton Jones against the decision of Birmingham City Council.
 - The application Ref 2015/05624/PA, dated 6 July 2015, was refused by notice dated 23 December 2015.
 - The development proposed is described as new retail unit for the Co-operative. Existing petrol station to be removed.
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Decision

1. The appeal is allowed and planning permission is granted for a new retail unit and the removal of the existing petrol station at 316 Clarence Road, Sutton Four Oaks, Sutton Coldfield B74 4LU in accordance with the terms of the application, Ref 2015/05624/PA, dated 6 July 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Two additional plans were submitted with the appeal, one of which was a revision to the proposed access and vehicle swept paths plan considered by the Council when making its decision (1200-SP01B) and the other was a revised site plan (1220-01B). Two further plans were submitted at the hearing, a swept path plan of the disabled parking space (1200-SP02) and a further revision to the site plan (1220-01C). I note that the amended plans show fairly minor amendments to the proposal and include the removal of an additional section of raised kerb, the provision of a pedestrian crossing and the identification of the position of the disabled car parking space. The revisions do not in my view materially alter the proposal. As such I do not consider that any party would be unfairly prejudiced by me determining the appeal having regard to the amended and additional plans and I have therefore had regard to them in reaching my decision.
 3. An amended Statement of Common Ground and some additional third party evidence was also submitted at the hearing and I have had regard to these documents in reaching my decision.
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4. The description of development in the heading above has been taken from the planning application form. In allowing the appeal I have amended the description to remove reference to the Co-operative and for clarity.
5. Though not specifically referred to in the Council's reasons for refusal, reference has been made by the main parties and an interested party to a number of policies contained within the Birmingham Development Plan (BDP). The BDP has not yet been adopted and I understand from discussions at the hearing that it has recently been called in by the Secretary of State. Consequently at the hearing the main parties agreed that only limited weight can be afforded to policies contained within the BDP. I concur with that view.

Main Issues

6. The main issues are:
 - The effect of the proposal on pedestrian and highway safety having regard to parking, servicing and vehicular access;
 - Whether the proposal would result in an over-intensive use of the site.

Reasons

7. The appeal site comprises a former petrol filling station with canopy and kiosk now being used as a hand car wash. It is located adjacent to and has two vehicular access points off Clarence Road and is opposite the junction with Harrison Road. Clarence Road Service Station (CRSS) is located to the rear of the appeal site. Vehicular access to CRSS is via the northern most access off Clarence Road and is shared with the appeal site. CRSS has a 4.5 metre wide right of access across the appeal site between the northern access and the entrance to CRSS. A small parade of commercial premises is located to one side of the appeal site, though neither it nor the appeal site is located within a designated local centre. A residential property is located to the other side of the appeal site and the surrounding area is predominantly residential in character with residential properties located on the opposite side of Clarence Road.
8. A lay-by providing parking for between 8 and 10 vehicles is located in front of the parade. The lay-by parking is restricted to a maximum one hour stay between the hours of 0800 and 1800. There are on street parking and loading restrictions in the immediate vicinity of the site on Clarence Road with unrestricted on street parking on some sections of Harrison Road near to the site. Bus stops are located on either side of Clarence Road close to the appeal site.

Pedestrian and highway safety

Parking

9. Eight car parking spaces including one designated disabled space are proposed to serve the retail unit. Seven of these, including the disabled space would be located to the side of the proposed building and are likely to be served by the northern access point. The remaining car parking space (space number 8) would be located on the opposite side of the site, in front of the existing sub-station and close to a secure cycle store providing cycle parking for six bikes. At the hearing drawing number 1220-SP02 was submitted by the appellant. It

shows a swept path analysis for a large car using the disabled car parking space (space number 1) located towards the rear of the appeal site, close to the entrance to and the building at CRSS. A swept path analysis for space number 4 had previously been provided.

10. A number of concerns have been raised by the Council and interested parties regarding both the number and the layout of the car parking spaces proposed. At the hearing it was agreed by all parties that the Council's parking standards are set out in the Car Parking Guidelines Supplementary Planning Document February 2012 (SPD). The SPD does not specify any minimum parking standards but instead sets maximum standards for various land uses including for convenience retail as proposed, with the city divided into three areas where different standards apply. Though the appeal site was initially identified as falling within Area 2 for the purposes of the SPD, at the hearing all parties agreed that it falls within Area 3. As such, based on the proposed retail floor area, the SPD sets a maximum of 22 car parking spaces for the proposal (1 space per 14m² gross). At 8 the number of proposed spaces is below the maximum and consequently the proposal does not conflict with the SPD.
11. A Transport Statement (TS) was submitted with the application and has subsequently been amended and updated to make corrections and in response to concerns raised by the Council and interested parties. At the hearing the Council did not dispute the likely trip generation figures provided by the appellant and no substantive evidence was put forward by interested parties to contradict the figures submitted. Though I note that a survey was carried out by an interested party of a Tesco Express store at Shenstone, I have limited information regarding that site and note the appellant's comments that the circumstances of the Tesco site and the appeal site are different. Using the industry standard TRICS database the appellant has calculated a peak of 34 inbound trips per hour between the hours of 1200 and 1300. This means that in order to accommodate the likely demand for parking on the site, the 8 proposed car parking spaces would need to accommodate 34 vehicles per hour.
12. Evidence within the TS also considers the likely capacity of the proposed parking spaces based on the average time that car parking spaces are used for the type of retail convenience store proposed. A Co-operative Car Park Study together with a survey of Tesco Express and Sainsbury Local stores is referenced with average durations of stay ranging from a maximum of 8.9 minutes (Co-op), 7 minutes (Tesco & Sainsbury) and a minimum of 5.5 minutes (Co-op). As with the TRICS figures, no substantive evidence was submitted by either the Council or interested parties to contradict the appellant's evidence regarding average duration of stay. Based on the duration of stay figures each parking space would have a capacity of either 6.7 vehicles/hour, 8.6 vehicles/hour or 10.9 vehicles/hour.
13. The appellant states that none of the proposed parking spaces would be used by staff and that this could be controlled by a suitably worded condition but acknowledge that the disabled space would not be available to all customers and as such would offer more limited capacity. The Co-op Car Park Study found that of the Co-op stores studied, between 2 and 3 parking spaces were used for staff parking.
14. In this case even if the disabled space was completely discounted; 2 of the remaining 7 parking spaces were used by staff and the lowest vehicle

capacity/hour figure of 6.7 was used, the remaining 5 spaces would have capacity for 33.5 vehicles per hour. This figure is only very slightly below the peak of 34 inbound trips per hour. Given that the disabled space would also have some capacity, I am satisfied that the evidence submitted by the appellant demonstrates that the amount of parking proposed would be adequate to serve the demand likely to be generated by the proposed retail store.

15. Notwithstanding my conclusion on the number of parking spaces proposed, concerns have also been raised by the Council and interested parties about the particular position and layout of the parking spaces and the impact that this might have on the level of usage of the spaces. At the hearing the Council confirmed that the size of the parking spaces proposed, together with the 6 metre manoeuvring distance behind spaces 1 to 7, is not unusually restricted. However particular concerns were expressed by the Council and interested parties in relation to those spaces closest to the building and entrance at CRSS, to the fact that the site boundary to the rear of spaces 1 to 7 is marked by a solid wall and fence and that part of the manoeuvring area forms part of the shared vehicular access to CRSS. In addition the Council expressed concern regarding the availability of parking space number 8 when deliveries are taking place.
16. Figures regarding the daily number of vehicles accessing CRSS through the appeal site have been provided by both the appellant and the operators of CRSS. I acknowledge that there is likely to be some conflict between vehicles accessing CRSS and those manoeuvring into and out of spaces 1 to 7 and that users of at least some of the parking spaces would have restricted visibility due to the position of the spaces relative to the CRSS building adjacent to the site.
17. However, based on the evidence before me, including the fact that both vehicles using the car park and accessing CRSS would be likely to be travelling at relatively low speeds, I am satisfied that any conflict between vehicles would be minimal. I do not consider that this together with any restricted visibility and need to undertake a number of manoeuvres close to the boundary wall and fence to enter and exit a parking space would result in the proposed parking spaces 1 to 7 being unattractive to users to the extent that they would seek to park elsewhere. Additionally having regard to the position of the marked delivery bay on the submitted plans relative to parking space number 8 I am satisfied that space number 8 would not be obstructed and therefore unavailable when deliveries are taking place.
18. I note that concerns have been raised by the Council and interested parties regarding additional parking in nearby roads and the impact that this would have on pedestrian and highway safety. However given that I have found that the proposal would provide adequate parking on site, there is no need for me to consider the matter of off-site parking further. In any event, in the event that the on-site parking spaces were fully occupied, and given the on-street parking restrictions locally and limited daytime availability, I consider that potential customers travelling by car would be likely to go elsewhere if they could not park conveniently rather than park illegally to the detriment of highway safety.

19. Taking the above matters into consideration, I conclude that the proposal would provide adequate parking on site to serve the demand likely to be generated by the proposed retail store.

Servicing

20. It is proposed that servicing would be undertaken within a designated service area to the front of the building and adjacent to Clarence Road. Following concerns raised by the Council regarding the use of the southern access by service vehicles entering the site, it is proposed that service vehicles would only enter the site via the northern access and exit via the southern access. The originally submitted TS included a swept path analysis for a 10 metre rigid HGV. However the swept path analysis was revised to show a 10.35 metre rigid HGV as the appellant anticipates that this would be the largest vehicle to visit the site. The appellant envisages that the proposed store would have one rigid HGV delivery each day with three other rigid HGV deliveries per week together with an average of three deliveries per day by transit type vans. To further control servicing, the appellant has stated a willingness to implement a Service Management Plan for the site.
21. The Council has expressed concern that the limited space available for servicing and the position of proposed bollards within the site means that a precise manoeuvre would be required to access the designated service area. A further concern is that failed attempts to access the service area would lead to reversing onto Clarence Road or service vehicles unloading from Clarence Road. The Council considers that it is even more likely that service vehicles would straddle the pavement now that the appellant proposes to remove the existing raised kerb at the back edge of the pavement.
22. The proposal provides off road servicing arrangements and the swept path analysis shows that a 10.35 metre rigid HGV could access the service delivery area with some clearance to the proposed bollards. Though I have had regard to the concerns raised by the Council about the servicing arrangements, in the absence of any substantive evidence to the contrary I am satisfied that the servicing facilities proposed are adequate and would not adversely affect pedestrian or highway safety. Though the removal of the raised kerb would result in the loss of a barrier between the appeal site and the pavement, I note that the Council has suggested a condition regarding the erection of a boundary treatment along Clarence Road. This condition was discussed at the hearing and the appellant had no objections to the imposition of such a condition in order to ensure that a suitable boundary treatment is erected between the service delivery area and the pavement.
23. Taking the above matters into consideration, I conclude that the proposal would provide adequate servicing facilities on site.

Vehicular access

24. The proposal would utilise the two existing vehicular accesses off Clarence Road. The northern access is shared with CRSS and having regard to the layout of the proposal is likely to be the main access to the site given its proximity to the majority of the parking bays.
25. A substantive amount of evidence has been provided by the appellant with regard to the use of the northern access by CRSS, the likely level of use of the

accesses by the proposal, the visibility at the access points and traffic levels and accident records relating to Clarence Road. Though additional evidence was submitted at the hearing on behalf of CRSS in the form of vehicle surveys and diary extracts from CRSS, this appears to show a similar number of vehicle movements to and from CRSS as indicated in the appellant's evidence and no substantive evidence has been put forward to contradict the appellant's evidence in relation to any other matters relating to access.

26. As I have previously acknowledged, the proposal is likely to result in some conflict between vehicles using the proposed car park and servicing facilities and vehicles entering and leaving CRSS. However it is likely that this would be limited having regard to the number of vehicle movements associated with CRSS, the likely vehicle movements associated with the proposal and the relatively limited manoeuvring times required to access and exit the proposed parking spaces. Consequently, based on the available evidence, any waiting by vehicles is likely to be limited and is unlikely to adversely affect pedestrian or highway safety given that any waiting is likely to occur either within the appeal site or at the entrance to CRSS.
27. Taking the above matters into consideration, I conclude that the proposed access arrangements are acceptable.

Conclusion on pedestrian and highway safety

28. Having regard to my findings in relation to parking, servicing and vehicular access, I conclude that the proposal would not adversely affect pedestrian and highway safety, including pedestrians from nearby schools and elderly residents' accommodation. It therefore accords with paragraphs 3.8, 3.10 and 6.39 of the Birmingham Unitary Development Plan (UDP) and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to protect and enhance the environment and to take into account matters of safety and pedestrian needs.

Intensity of use

29. The Council states that the proposal would result in an over intensive use of the site due to inadequate parking, servicing and the fact that the site access is shared with CRSS. Though the Council has no objections to the size or design of the proposed building it considers that the site is not of sufficient size to accommodate the proposed development.
30. I have found that the proposal would provide adequate parking and servicing facilities and that the shared access with CRSS would not result in any adverse effect on pedestrian or highway safety. At the hearing the Council agreed that the size of the parking and turning facilities proposed meet normal standards and I note that the site access was previously shared by the former petrol filling station use and CRSS and is now shared by the hand car wash and CRSS.
31. Consequently I am satisfied that the proposal would not result in an over intensive use of the site. It therefore accords with paragraphs 3.8 and 3.10 of the UDP and to relevant paragraphs of the Framework. These policies seek, amongst other things, to protect and enhance the environment.

Other Matters

32. In reaching my decision I have had regard to the objections to the proposal including a petition and to the concerns raised with regard to the need for the proposal and the impact that it would have on nearby businesses. The appellant states that the proposed convenience store is designed to serve its immediate residential catchment within a 500 metre walking distance as well as passers-by and it is not anticipated that the proposal would adversely affect existing businesses within the parade or in nearby locations.
33. I note that the appeal site and the adjoining parade are not located within a designated local centre and that the proposed floorspace of the building falls well below the threshold for requiring an Impact Assessment for out of town retail development as set out within paragraph 26 the Framework. The Council raised no objection to the principle of the proposal and whilst I note the concerns regarding the impact on local businesses, in the absence of any specific policies restricting retail development in this location, I agree with the Council on this matter. Though I have some sympathy with the concerns of the operators of local businesses about the effect of the proposal on their trade, this is not a reason to withhold planning permission bearing in mind that the planning system operates in the public interest.
34. I have had regard to the concerns raised by interested parties in relation to the effect of the proposal on the living conditions of the occupiers of nearby dwellings particularly with regard to noise and disturbance and anti-social behaviour. As previously stated, the appeal site is located at the end of a parade of commercial premises and to the front of CRSS and there are residential properties located in the immediate vicinity of the site.
35. Having regard to the presence of other commercial uses in the immediate area, the previous use of the site as a petrol filling station, the current use as a hand car wash and to the relatively busy nature of Clarence Road, I do not consider that any noise and disturbance generated by the proposal would be materially harmful to the living conditions of nearby residential occupiers. This is subject to the imposition of appropriately worded conditions controlling opening hours, delivery hours and any noise generated by plant and machinery on the site. Though some concerns have been expressed about the proposed opening hours, I understand that the opening hours of the previous petrol station were unrestricted. No objections were raised to the proposed opening hours by the Council and given the previous use of the site I see no reason to disagree with the Council on this issue. There is no substantive evidence that the proposal would result in any anti-social behaviour.
36. I note the concerns raised regarding an increase in traffic, an increase in on street parking and the adequacy of the vehicular accesses. However as previously stated, a substantive amount of evidence has been submitted by the appellant, much of which has been accepted by the Council regarding traffic levels on Clarence Road, traffic levels likely to be generated by the proposal and the adequacy of the vehicular accesses. In the absence of any substantive evidence to the contrary, I am satisfied that the proposal is unlikely to materially affect traffic levels on Clarence Road and that safe access is proposed. My findings on the issue of parking mean that as stated I do not consider that the proposal would result in a significant amount of on street parking. Notwithstanding the evidence submitted regarding the level of car

usage locally, I consider that the proximity of the site to residential properties means that it is within walking distance for some potential customers and staff thereby reducing the need to drive to it.

37. Some concerns have been expressed regarding signage though I note that none is proposed as part of the proposal. The erection of signage would either benefit from deemed consent or need to be the subject of a separate application and I do not consider that signage on the building and at the appeal site would necessarily be harmful given the location of the appeal site adjacent to a commercial parade. Finally reference has been made to the refusal of a Tesco Local store a few years ago at the junction of Clarence Road and Blake Road. However I am not aware of the details or the particular circumstances relating to the case. As such I can only give it limited weight. In any event, I must determine the proposal before me on its own merits.

Conditions

38. I have had regard to the conditions suggested by the Council and the appellant. I have imposed a condition specifying the relevant plans as this provides certainty. Conditions are also required to control details of materials, landscaping and lighting having regard to the nature of the proposal and in the interests of the character and appearance of the area. Where necessary the wording of the suggested conditions has been amended to meet the tests for conditions as set out in the Framework and includes an amendment to the suggested landscape condition to simplify it in light of the likely level of landscaping required and requiring the submission of details prior to use rather than before development commences.
39. I am satisfied that the suggested conditions regarding contamination are necessary having regard to the previous use of the site as a petrol filling station. The nature of the requirements of the site assessment and remediation scheme are such that the information required needs to be submitted and approved prior to the commencement of development.
40. Similarly I am satisfied that conditions are necessary to control the opening hours and delivery hours of the proposed retail unit and to control the noise from any plant and machinery. This is having regard to the proximity of the site to residential uses. At the hearing the appellant requested amendments to the proposed delivery hours condition to exclude the delivery of newspapers and also to extend the start of delivery hours on Saturdays, Sundays and Bank Holidays to 0800 from 0900. Having regard to the evidence that was given at the hearing regarding the nature of newspaper deliveries and the limited noise and disturbance that they would cause, I have excluded newspaper deliveries from the delivery hours restriction.
41. Though I note that the delivery hours suggested by the Council are more restrictive than those originally applied for by the appellant, with the exception of the request to extend the start of deliveries on weekends and Bank Holidays, no objections were raised by the appellant to the suggested delivery hours. No substantive evidence was presented at the hearing as to why the suggested delivery hours at weekends and Bank Holidays should be amended to begin an hour earlier at 0800. In the absence of this and having regard to the position of the site near to residential properties and the reasonable expectation of residents for less disturbance at weekends and Bank Holidays, I have imposed

the times as suggested by the Council as I am satisfied that they are reasonable.

42. I have imposed conditions relating to the submission of a car park and delivery management plan, requiring the parking and delivery loading bay to be provided and to remain free of obstruction, alterations to the vehicular access points and to a boundary treatment along Clarence Road. These are all necessary to ensure adequate access, parking and delivery facilities and in the interests of highway and pedestrian safety. The requirements of the access condition are such that the information required needs to be submitted and approved prior to the commencement of development. Though the access condition was not initially suggested by the Council, the need for such a condition was discussed and accepted by the main parties at the hearing.
43. Finally I have imposed a condition regarding the drainage of foul and surface water. This condition was requested by a statutory consultee and is necessary having regard to the scale and nature of the proposal and to ensure adequate site drainage.
44. At the hearing the Council agreed that a specific condition regarding site levels was not necessary given the flat topography of the site and for that reason reference to levels has also been removed from the Council's suggested landscape condition. The Council also agreed that there is no requirement for a condition regarding hard and paved surfaces as this is covered by the landscape condition.
45. At the hearing discussions also took place regarding the suggested conditions relating to works to footway crossings, street furniture/street lighting columns/statutory undertakers apparatus and to fund a traffic regulation order (TRO). Following the discussions I do not consider that either of these conditions meets the tests for conditions as set out in the Framework and as such I have not imposed them. Both of these conditions require financial contributions for off-site works, something that the Planning Practice Guidance states should not be done. In addition the Council has not submitted any substantive evidence to justify the need for conditions covering these matters.
46. Finally, though I note the offer from the appellant regarding a condition to prevent staff parking on site, given my findings on the issue of parking I do not consider that such a condition is necessary.

Conclusion

47. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jack Smythe	Of Counsel, instructed by Picton Jones (Asset Management) Ltd
Jonathan Rainey	Pegasus Group
Katie Priest	Pegasus Group
Tom Bentley	Croft Transport Solutions
Hugh Picton-Jones	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

John Davies	Birmingham City Council
Paul Cowen	Birmingham City Council

INTERESTED PERSONS:

Alan Cave	Representing a number of local businesses
Janet Hodson	JVH Town Planning representing Clarence Road Service Station
Ian Porter	Clarence Road Service Station
Joga Singh	Local businessman
Adrian Hixhiay	Local businessman
Miss Daly	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Revised Statement of Common Ground.
2. Drawing number 1220-01C.
3. Letter from Mr Alan Cave (undated).
4. Vehicle surveys for Clarence Road Service Station dated 12 July 2016, 2 August 2016 and 8 August 2016 and diary extracts between January 2016 and July 2016.
5. Car Parking Guidelines Supplementary Planning Document February 2012.
6. Drawing number 1220-SP02.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1427-02, 1427-03, 1427-04, 1427-06, 1427-07, 1409-10 except in respect of the provision of a disabled parking bay, the provision of a pedestrian crossing with tactile paving, the extent of kerbing to be removed and dropped kerbing to be provided at the southern access as shown on plan 1220-01C.
- 3) No development shall commence until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved by the local planning authority:
 - a) A preliminary risk assessment, which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
 - c) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

- 4) No development shall commence until details of the proposed alterations to the vehicular access points to the site have been submitted to and approved by the local planning authority; and the development shall not be occupied until the accesses have been constructed in accordance with the approved details. The accesses shall thereafter be retained as such.
- 5) No development shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

- 6) Prior to the use of the building hereby approved full details of hard and/or soft landscape works shall have been submitted to and approved by the local planning authority and these works shall be carried out as approved. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the planting programme agreed with the local planning authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the use of the building hereby approved a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- 8) Prior to the use of the building hereby approved a detailed lighting scheme shall be submitted to and approved by the local planning authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained. No other lighting shall be installed on site.
- 9) Prior to the use of the building hereby approved, a car park and delivery management plan shall be submitted to and approved by the local planning authority. Development and the operation of the site thereafter shall be carried out in accordance with the approved details.
- 10) Prior to the use of the building hereby approved the parking areas and delivery loading bay shall be formally marked out on the site and the parking and vehicle circulation areas shall not be used for any other purpose and kept free of any obstruction at all times.
- 11) Prior to the use of building hereby approved, boundary treatment (bollards, low level walls etc) along the site boundary to Clarence Road to restrict vehicular access to footway crossings only and to prevent vehicles overriding the footway shall be installed in accordance with a scheme to be first submitted to and approved by the local planning authority and thereafter retained.

- 12) No development shall take place above damp proof course level of the building until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 13) The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (1997) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
- 14) The premises shall only be open for customers between the hours of 0700-2300.
- 15) No deliveries, except for newspapers, shall be taken at or despatched from the site outside the hours of 0700 and 1900 Monday to Friday and 0900 and 1600 on Saturdays, Sundays and Bank Holidays.