



Appeal Decision

Site visit made on 24 June 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2022

Appeal Ref: APP/V5570/W/22/3294133

Nag's Head Market, 22 Seven Sisters Road, Islington, London N7 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Kawal and Nancy International Limited against the decision of the Council of the London Borough of Islington.
- The application Ref P2021/1714/S73, dated 11 June 2021, was refused by notice dated 22 October 2021.
- The application sought planning permission for proposed use of mezzanine floor for food and drink uses in association with the retention of Ground Floor Market use (Sui Generis), with associated first floor access door and staircase (emergency escape) to south elevation, and creation of covered first floor terrace to the west elevation, together with the retention of first floor central glazing and build up brickwork to south elevation, retention of north flank first floor central glazing and brick wall enclosure and retention of alterations to rear extractor/plant equipment, louvered screen and associated works, without complying with conditions attached to planning permission Ref P2020/0079/FUL, dated 11 February 2021.
- The conditions in dispute are Nos 3, 5 and 9.
- Condition No 3 states: The ground floor of the market use hereby approved shall be used, laid out and operated in accordance with the approved Use Class Plan - 21/01/21 ref: NHM200121 subject to changes in use authorised by this condition. Where non-retail units identified on approved Use Class Plan - 21/01/21 ref: NHM200121 either become vacant or are subject to a new operator these shall revert to a retail use until a minimum of 70% of the total ground floor units are in retail use. 70% of the total ground floor units must then remain in retail use at any one time.
With the exception of a change from a non-retail use to a retail use, the units identified on the approved Use Class Plan - 21/01/21 ref: NHM200121 shall remain in their approved use and layout, unless otherwise agreed in writing by the Local Planning Authority.
The reason given for the condition is: To protect the retail function of the Nags Head Town Centre and Primary Retail
- Condition No 5 states: The mezzanine floor use hereby permitted shall only operate within the hours of 0900 hour to 2000 hours Monday to Sunday and Bank Holidays, and shall not operate at any other time unless otherwise approved in writing by the Local Planning Authority.
The reason given for the condition is: To protect the amenities of residential properties.
- Condition No 9 states: The collection of hot food takeaway and goods for delivery shall only be undertaken by non-motorised vehicles after 2000 hours on any day.
The reason given for the condition is: To protect the amenity of residential occupiers and support sustainable modes of transport.

Decision

1. The appeal is allowed and planning permission is granted for proposed use of mezzanine floor for food and drink uses in association with the retention of

Ground Floor Market use (*Sui Generis*), with associated first floor access door and staircase (emergency escape) to south elevation, and creation of covered first floor terrace to the west elevation, together with the retention of first floor central glazing and build up brickwork to south elevation, retention of north flank first floor central glazing and brick wall enclosure and retention of alterations to rear extractor/plant equipment, louvered screen and associated works, at Nag's Head Market, London N7 6AG in accordance with the terms of the application, Ref P2021/1714/S73, dated 11 June 2021, without compliance with Conditions Nos 3, 5 and 9 previously imposed on planning permission Ref P2020/0079/FUL, dated 11 February 2021, but subject to the conditions set out in the attached schedule.

Background and Main Issues

2. The Nags Head Covered Market is located on the southern side of Seven Sisters Road. It is within the Nags Head Town Centre (NHTC) and is part of the designated primary shopping frontage (PSF). It is a busy commercial area with a variety of retail, food and other businesses. The market building occupies a large footprint, with additional entrances from Hertslet Road and the rear of the building which opens onto a large service yard used by a number of businesses. A large carpark serving a supermarket lies directly to the rear.
3. The market comprises a ground floor of some 46 units occupied by a range of retail and food service businesses. There is a first floor level containing offices, and a mezzanine level to the rear. At my visit, I saw the mezzanine level to be laid out as a single large space, with food service units around the perimeter and communal seating to the centre. The space did not appear in use when I visited, with some units still being fitted out.
4. In 2018, a lawful development certificate¹ (LDC) was granted for the retention of the existing first floor mezzanine level and its use as an extension to the existing covered market in *sui generis* use. However, a later application² in 2019 for an LDC to confirm the *sui generis* use of the ground floor was refused.
5. The planning permission to which the appeal relates was then granted in 2020 for the retention of the ground floor as a *sui generis* use, and the associated use of the mezzanine for food and drink uses. Changes are sought to three conditions relating to the mix of uses within the market, opening hours of the mezzanine and operation of delivery vehicles at the site.
6. Paragraph 56 of the National Planning Policy Framework (the Framework) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance provides further advice in this respect, confirming that these six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.³
7. The main issues, therefore, are whether the disputed conditions meet these tests, having regard to the vitality and viability of the Nags Head Town Centre; the living conditions of neighbouring occupants, and promotion of sustainable modes of transport.

¹ Council Ref P2017/4532/COL

² Council Ref P2019/2300/COLP

³ Paragraph: 003 Reference ID: 21a-003-20190723

Reasons

Condition 3 - Effect on vitality and viability of the town centre

8. Condition No 3 requires that the uses of the ground floor accord with an approved Use Class Plan (UCP), subject to additional criteria. Specifically, where a use identified in the UCP as 'non-retail' becomes vacant or changes operator, these shall revert to a retail use until a minimum of 70% of the ground floor units are in retail use. The condition then requires that this 70% level of retail use is maintained.
9. The condition does not refer to specific use classes, but I take 'retail' to mean Class A1 uses as shown in the UCP, and 'non-retail' to mean Classes A3 and A5⁴. At the time permission was granted, 28 of the 46 units were in Class A1 use, or 60.86%. Therefore, some 4 to 5 units would have to change to A1, and remain so, in order to comply with the condition. The appellant seeks to vary this condition to require a minimum of 60% retail uses, rather than 70%.
10. Policy DM4.3 of the Development Management Policies Document (2013) (the DMPD) sets out that proposals for certain uses, including cafés, restaurants and drinking establishments, will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or where they would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
11. Policy DM4.4 seeks to maintain and enhance the retail and service function of the NHTC, considered a Major Town Centre at the top of the hierarchy of shopping areas. Policy DM4.5 sets a requirement that change of use of retail premises will not be permitted within PSFs in Major Town Centres unless, among other things, the resulting proportion of retail units in the PSF would not fall below 70%. The Council has confirmed that these limits relate only to ground floor units, but argues that the reduction of retail uses within the market to 60% would be detrimental to its character and function, and the vitality and viability of the NHTC.
12. The 70% threshold of the existing condition is based on an application of the requirements of Policy DM4.5 to the market itself. However, the Council separately states that the market is considered to be a single planning unit⁵. The market also has a relatively limited physical frontage onto Seven Sisters Road with only two units directly facing onto the street. Moreover, the extant planning permission explicitly describes the ground floor market as in *sui generis* use. Therefore, the market, as a whole, already counts as a non-retail unit within the overall PSF. The Council's insistence on sub-dividing the market into individual uses runs contrary to this acceptance of the market as a single *sui generis* planning unit and is not endorsed by development plan policy or other adopted guidance.
13. I am not provided with a clear breakdown of the percentage of retail uses within the overall PSF. My own observations of the PSF and the wider NHTC were of a vibrant, busy and healthy shopping area still predominantly in retail use, with a modest amount of non-retail, but complementary town centre uses

⁴ The Use Classes referred to on the UCP are those formerly set out under the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO), which were replaced in September 2020 by the new Class E through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

⁵ Statement of Case, paragraph 4.10 and elsewhere

and few vacant units. Within this context, the market, regardless of its internal makeup of uses, forms a single and relatively small part of the overall PSF and the wider NHTC. It is already accepted by the Council to be in *sui generis* use, and from what I have seen and read, the proposed change in the proportion of retail use on the ground floor of the market from 70% to 60% would not be harmful to the vitality and viability of the PSF or the wider NHTC.

14. In terms of the market itself, the Council offers no firm evidence that there is an overconcentration of non-retail uses or, if there is, how this has actually harmed its overall character and function. I saw a bustling market with a variety of businesses of different guises that appeared to me to be in good health and with retail uses still in the majority across the ground floor. The sale of food, either as fresh meat and produce, or to eat in cafés or takeaway from food stalls, is also a characteristic element of many markets that the Council has recognised in its own local plan evidence can act as a draw and ultimately support the vitality and viability of the market.
15. I also note the appellant's indication that retail uses have become harder to let, particularly to the rear part of the market where units are less visible to those entering from Seven Sisters Road, and where most of the hot food units have become established. Though the appellant's evidence of marketing efforts is more anecdotal rather than data based, I have no evidence from the Council to refute it and, having viewed the market layout, I see some logic to the appellant's comments, which reflect the wider trend of high streets diversifying from being traditionally retail-led, as acknowledged in the Council's own studies and in the recent introduction of Class E. Perhaps reflective of this, Policy R2 of the Council's draft Local Plan Part A⁶ proposes a 60% retail threshold within the Nags Head Primary Shopping Area, which is described as the right balance between maintaining a retail focus and allowing for diversification.
16. In terms of the application of the condition, a 60% threshold would enable the market to continue operating as it presently exists, but the 70% threshold effectively forces a number of units on the ground floor to revert to retail use. This raises the possibility of units deemed to be in retail use having to remain vacant if a retail tenant cannot be found, rather than be productively occupied by another use, in order to maintain the 70% ratio or not worsen any shortfall. On the evidence before me, this requirement is onerous on the appellant and there is no certainty that it can be met. Moreover, there is no time limit for achieving the 70% threshold, which renders the existing condition imprecise. The consequence is that, rather than the planning permission regularising the existing makeup of the market and the condition maintaining this (at the 60% threshold), the condition has altered the terms of the planning permission sought and applied onerous and imprecise requirements on the appellant to achieve a particular balance of uses which is not required by policy or the particular circumstances of the proposal. Contrary to the Council, I consider such restrictions on the use of the market would have a demonstrably harmful effect on its vitality and viability.
17. For these reasons, I conclude that the 70% threshold of the existing condition is not supported under Policy DM4.5 and it is not otherwise necessary to preserve the vitality and viability of the market, the wider PSF or the NHTC. It is also imprecise and therefore fails to meet the relevant test for conditions.

⁶ Draft Islington Local Plan 2019 – Regulation 19 draft, submitted 12 February 2020

18. However, I recognise that unfettered use of the market could lead to more retail units changing to non-retail uses which, at a certain point, would change the overall character of the market and diminish its longstanding function as a place for smaller, independent retailers. Therefore, to preserve the overall character and function of the market, a condition is necessary to set an appropriate mix of retail and non-retail use. The 60% threshold proposed by the appellant would ensure the overall retail character of the market is preserved, with the additional requirement that the two units addressing Seven Sisters Road also remain in retail use providing a further measure of control in this respect that would accord with the overall aims of Policy DM4.5 in terms of the shopping frontage. Therefore, I conclude that Condition No 3 should be replaced with a new condition as set out in the Schedule below, worded in the negative format suggested by the appellant for precision.

Condition 5 - Effect on Neighbours' Living Conditions

19. The appellant seeks to amend Condition No 5 to extend the opening hours of the mezzanine from the existing closing time of 8pm to 10pm on Sundays to Thursdays, and 10.30pm on Fridays and Saturdays, arguing that the 8pm closure is unviable for a number of operators.
20. The Council's reasons for imposing an 8pm close relate to perceived impacts on the living conditions of neighbouring residents, with concern stemming from existing issues of noise and disturbance from delivery vehicles coming to the market to collect takeaway orders from the ground floor units. The Council also alludes to the mezzanine units being more akin to takeaway facilities than restaurants, and to the mezzanine not being 'family-friendly' and more akin to a bar if permitted to open later into the evening, which would cause noise and disturbance from patrons and delivery vehicles. The appellant has indicated that the proposal is not for 'stand up' or 'vertical' drinking, but intended as a place for people, including families, to eat and socialise.
21. The market is located within a busy, high street environment. Seven Sisters Road is a main thoroughfare with several bus routes, including night buses. A number of establishments along the street open late into the evening, including KFC until 11pm and McDonald's which is open 24 hours. There is also a public house on the corner of Hertslet Road. To the rear, the market backs onto the large, covered car park of Morrisons supermarket, and the rear entrances of commercial buildings surrounding the service yard.
22. Within such a location, there will be a certain level of activity throughout the day and into the evening to which residents will be accustomed. Town centres are also the most suitable place to locate commercial uses. Indeed, Policy SD6 of the London Plan states that the management of vibrant daytime, evening and night-time activities should be promoted to enhance town centre vitality and viability. The proposed mezzanine level would fit within this aim, both in terms of use and location.
23. Given the size of the mezzanine, it is reasonable to consider that its use would generate a level of noise; however, the extant permission already has several conditions intended to address this, including restricting the use of the Hertslet Road entrance after 8pm (Condition No 9), restriction on use of the smoking area after 9pm (No 7), use of a noise limiter on the sound system (No 19) and requiring windows to remain closed except for maintenance (No 14). Over and above this, Condition No 18 requires the submission of a Noise Management

- and Late Night Operations Plan, a version of which submitted with the appeal sets out various measures, including in respect of door policies, dispersal of patrons and staff, signage, bottling and waste management, smoking areas, amplified music, security, CCTV and lighting.
24. There is conflict in the Council imposing a separate requirement for a Late Night Operations Plan, as it would not be necessary if an 8pm closure is being imposed. Moreover, the Council indicates that the submitted plan was not considered sufficient to address the harm to neighbouring residents, but as the condition is in place, it is open to the appellant to submit further details to satisfy the Council on this point. Therefore, I do not regard this as justification for maintaining an 8pm closure that is substantially earlier than surrounding commercial uses and would demonstrably restrict the operation of the mezzanine for its intended purpose as a place for dining and gathering for breakfast, lunch and dinner.
25. Moreover, I do not agree with the Council that it should be incumbent on the appellant to open the mezzanine level first to demonstrate the time limit is harmful. It is obvious that closure at 8pm in a busy urban environment such as Seven Sisters Road would mean ending service in the middle of the dinner period. The appellant has indicated that the evening dinner service is critical for the sustainability of businesses, with most revenue coming in this period, with comments from some existing operators submitted in support of this position. The 8pm closure is also likely to deter some operators from setting up in the first place, if they anticipate it would place them in a marginal position in terms of long-term viability.
26. In terms of the use after 8pm, fewer families may visit the mezzanine level at this time, but there is no firm evidence before me to conclude that the use would become more akin to a noisy bar later in the evening, or simply a takeaway service. This aside, it is not proposed to open into the early hours of the morning, but only to a time when several other commercial outlets will still be open, including the ground floor market. Therefore, the mezzanine would not be the sole source of noise in an otherwise quiet area, but part of busy surroundings with a level of constant noise from people, traffic and commercial activity into the later evening.
27. All in all, I have little substantive evidence before me to demonstrate that the use would cause significant harm, particularly given the series of safeguarding conditions already imposed on the permission that provide a comprehensive level of protection for neighbouring residents in terms of noise and disturbance from activity inside the building, and outside as patrons and staff leave at closing time. Within this context, the use of the mezzanine until 10pm/10.30pm would not lead to demonstrable harm to the living conditions of neighbouring occupants in terms of noise and disturbance.
28. For these reasons, I conclude that the existing condition is not necessary to secure the living conditions of neighbouring occupants and unduly restrictive on the operation of the business, so failing the test of reasonableness. The proposed opening hours, by comparison, allow for the intended use of the mezzanine to take place, whilst still preserving the living conditions of neighbouring occupants, in accordance with the aims of Policy DM2.1 of the DMPD to provide a good level of amenity including consideration of noise and

the impact of disturbance and hours of operation. Therefore, I shall replace the existing condition with one setting revised closing times of 10pm/10.30pm.

Condition 9 – Use of Non-Motorised Collection Vehicles

29. Condition No 9 limits collections after 8pm to non-motorised vehicles. The Council's reasons for the condition are to protect the amenity of residential occupiers and support sustainable modes of transport. The use of motorised vehicles, in particular delivery scooters, is cited as a source of noise and disturbance for neighbouring occupants.
30. In terms of noise, I have limited evidence as to the extent of the problem, beyond the anecdotal comments of interested parties. However, there are several conditions already attached to the planning permission which seek to address the impacts of delivery vehicles. This includes the Servicing and Delivery Plan under Condition No 10. I note that the appellant, at the time of the original application, proposed a restriction on motorised vehicles as part of this plan. Condition No 12 also already requires vehicles to use a dedicated area within the rear service yard, accessed from Hertslet Road, and not to use Hertslet Road for collections. In my view, these conditions are capable of securing the routeing and timing of collection vehicles so as to protect the living conditions of neighbouring occupants and therefore Condition 9 is not necessary by itself to mitigate any harm to neighbours' living conditions.
31. In terms of promoting sustainable transport, the Council refers to its draft Transport Strategy (Sept 2019) and Policies T2 and T5 of its draft Local Plan, which seek to reduce the number, size and impact of vans, lorries and other goods vehicles, and encourage use of sustainable modes of transport. None of these yet form part of the Council's adopted development plan and, in the absence of detail as to their present status, this limits the weight I afford them. However, they are generally consistent with the aims of Policy T2 of the London Plan which seeks to promote healthy streets and reduce car dominance, vehicle emissions and noise.
32. While I accept the impetus of these policies in reducing the reliance on motorised vehicles, I am not persuaded that the appellant's alternative condition, which would apply the restriction on motorised vehicles only to the mezzanine level units, would be enforceable, as it would be difficult to draw a distinction between the uses on the ground and mezzanine floors in terms of their use of delivery services, and identifying which units delivery drivers are attending would be a cumbersome undertaking that would require a constant presence at the service yard entrance, something which may not always be practical. I have further concerns over the ability of the individual units or the management of the market to ensure that orders are collected by non-motorised vehicles. If drivers of motorised delivery vehicles are turned away, they may resort to parking on the street, causing noise and congestion.
33. However, it is open to the parties to agree a workable means of restriction on the use of motorised vehicles through the Servicing and Delivery Plan under Condition 10. Therefore, it is not necessary to have a separate condition setting a time limit on motorised vehicles. For these reasons, I conclude that Condition No 9 is not necessary to make the development acceptable in planning terms, and should be removed.

Other Matters

34. I have had regard to the considerable amount of public representation submitted, both for and against the proposal. A number of comments are made in respect of other matters not directly related to the conditions in dispute, including the principle of development, which has already been established through the previous planning permission. Other matters such as questions over unauthorised works and fire safety also not decisive to this appeal, which is limited to the conditions in dispute. Ultimately, I have not identified other matters that would be decisive to my overall decision, and therefore it is not necessary to address them in further detail.

Conditions

35. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have no information about the status of the other conditions imposed on the original planning permission. Therefore, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

36. The exception to this is the condition relating to the time limit for the commencement of development, which cannot be extended through an application made under section 73. Accordingly, I shall amend this condition to run from the date of the original permission.

Conclusion

37. I have found that the disputed Conditions Nos 3 and 5 do not satisfy the relevant tests for conditions set out in the Framework, and should be amended in the terms sought by the appellant, whilst Condition No 9 is not necessary and should be removed. I therefore allow the appeal and grant a new planning permission for the development with these new conditions attached and retaining the other conditions from the previous permission that appear still to be relevant.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of 11 February 2024.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning, Design and Access Statement (July 2021); Use Class Plan (Updated June 2021); 001 Rev A; 100 Rev A; 101 Rev A; 200 Rev A; 201 Rev A; 202 Rev A; 203 Rev A; 204 Rev A; 300 Rev A; 5006/1 Rev A (Deliveries and Entrance Plan); Design and Access Statement (February 2020); Operational Management Plan (Undated); Late Night Operations Plan (May 2020) by Pegasus Group; Operational Management Plan (Upper Place) by Pegasus Group (December 2019); Operational Management Plan - Appendix 1 (The Upper Place); Operational Management Plan - Appendix 2 (The Upper Place Regulations); Planning Statement by Pegasus Group (December 2019); Noise Report by RBA Acoustics Rev 2 (3 February 2020); Servicing and Delivery Management Plan by Sanderson Associates (September 2020); Transport Statement by Sanderson Associates (September 2020) and Active Travel Zone/Healthy Streets Assessment by Sanderson Associates (September 2020).
- 3) The ground floor of the market use hereby approved shall not be laid out or operated otherwise than in accordance with the approved Use Class Plan ref: NHM2001 Updated June 2021. Not more than 40% of the total ground floor units shall be in non-retail use at any one time and such non-retail uses are not to include any of the Primary Frontage and Entrance units boxed in green on the plan. With the exception of a change from a non-retail use to a retail use, the units identified on the approved Use Class Plan (Updated June 2021) ref: NHM200121 shall remain in their approved use and layout, unless otherwise agreed in writing by the Local Planning Authority.
- 4) The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter in perpetuity.
- 5) The mezzanine floor use hereby permitted shall only operate within the hours of 0900 hours to 2200 hours on Sundays to Thursdays and Bank Holidays and 0900 hours to 2230 hours on Fridays and Saturdays.
- 6) The ground floor Sui Generis market use hereby permitted shall only operate within the hours detailed below and at no other time unless otherwise approved in writing by the Local Planning authority:
Monday to Saturday: 0600 hours to 2300 hours
Sunday and Bank Holidays: 0700 hours to 2200 hours.
- 7) The first floor smoking terrace hereby permitted shall only operate between 1000 hours and 2100 hours on any day and at no other time unless otherwise approved in writing by the Local Planning Authority. The smoking terrace shall not be used for the consumption of food or

- beverages, the cooking of food and no fixed seating shall be provided at any time.
- 8) Customers of the site shall not exit the site via the Hertslet Road access after 2000 hours on any day.
 - 9) Prior to the use of the mezzanine commencing on site a detailed servicing and delivery plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall include (but not be limited to):
 - The layout of the servicing bay;
 - Predicted number of vehicle movements associated with servicing and delivery;
 - Collections arrangements for hot food takeaway and goods; collections and delivery vehicles; and
 - Details of any proposed facilities for collection/delivery drivers/riders associated with the collection of hot food takeaway and goods for delivery Servicing shall be carried out strictly in compliance with the details approved unless agreed in writing with the Local Planning Authority.
 - 10) The delivery of goods and servicing of the site shall not occur outside of the following hours and not at all on Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority: Monday to Saturday: 0800 hours to 1900 hours.
 - 11) Collection and delivery vehicles associated with hot food takeaway functions at the site shall only park, collect and enter the site from within the designated service yard area as detailed on Drawing No. 5006/1 Rev A (Deliveries and Entrance Plan). There shall be no collection from Hertslet Road at any time.
 - 12) There shall be no bottling out between 2300 hours and 0800 hours on any day.
 - 13) The first floor windows of the building shall not open for any purpose other than maintenance.
 - 14) The emergency only staircase hereby approved to the south elevation of the building shall not be use as a sitting out space or amenity space for patrons at any time and shall only be use in the case of emergency.
 - 15) Details of refuse / recycling storage, collection and detailed management arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site.

The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct operations within the site nor pose a fire risk. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.
 - 16) Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site. The cycle storage area(s) shall be secure and

provide for no less than 10 cycle spaces for the commercial use hereby approved.

The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the mezzanine floor, and shall be maintained as such thereafter.

- 17) A Noise Management and Late Night Operations Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the mezzanine commencing on site. The site shall only be operated in accordance with the approved details and no changes shall take place unless otherwise approved in writing by the Local Planning Authority.
- 18) Full particulars and details of any amplified sound system along with any noise control measures for the use hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site. This shall include details of the speaker positions, sound limiter and LAeq, Leq, 63Hz and 125Hz measurements at specified monitoring points for the limiter setting along with any sound insulation proposed. The sound limiter shall be installed prior to the use of the mezzanine commencing on site and all amplified music and sound shall be subject to the control of a noise limiter at all times. The sound limiter shall be regularly maintained and calibrated annually as such thereafter and no change there from shall take place unless otherwise approved in writing by the Local Authority. A contact telephone number must also be received and secured prior to use.
- 19) Prior to the use of the mezzanine commencing on site hereby approved, details of an additional accessible W.C shall be submitted to and approved in writing by the Local Planning Authority. The W.C shall be installed in accordance with the approved details and maintained as such thereafter.
- 20) The maximum number of covers of the mezzanine floor use hereby permitted shall not exceed 130 covers at any time unless otherwise agreed in writing by the Local Planning Authority.

End of Schedule