



Planning Service
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London SE6 4RU

Direct Line: 020 8314 7400

Email: Planning@lewisham.gov.uk

Date: 16 November 2018

Property Ref: LE/214/21/TP

Our Ref: DC/18/108701

Mr Conchie
Carter Jonas LLP
One Chapel Place
LONDON
W1G 0BG

Dear Mr Conchie,

PERMISSION FOR DEVELOPMENT
Town and Country Planning Act 1990 (as amended)

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, permits the development referred to in the Schedule below subject to the conditions set out therein and in accordance with the application and plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

The grant of planning permission does not relieve developers of the necessity for complying with any local Acts, Public Health Acts & Regulations, Building Acts & Regulations and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements, etc applying to or affecting either the land to which the permission relates or any other land, or the rights of any person or authorities (including the London Borough of Lewisham) entitled to the benefit thereof or holding an interest in the property concerned in the development or in any adjoining property. In this connection applicants are advised to consult the Highways and Transportation team as to any works proposed to, above or under any carriageway, footway or forecourt. Your particular attention is drawn to the Building Acts & Building Regulations which must be complied with to the satisfaction of approved Building Control Inspectors.

SCHEDULE

Application Valid Date: 07 September 2018

Application No: **DC/18/108701**

Development: Change of Use of the vacant 'Toys R Us' (A1 Use Class Non-Food) to an Aldi (A1 Use Class Food) with alterations to the front and side elevations and the erection of a delivery pod to the rear, together with other ancillary alterations at units 1 and 2 Bell Green Retail Park, SE26.

C O N D I T I O N S

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Received 28/08/2018:

2664-CHE-100 Rev B;
2664-CHE-102
2664-CHE-103;
2664-CHE-104;
2664-CHE-105 Rev C;
2664-CHE-106 Rev B;
2664-CHE-107 Rev B;
2664-CHE-108;

Air Quality Assessment - Entran, August 2018;
Planning Statement - Carter Jonas, August 2018;
Retail Planning Statement - Carter Jonas, August 2018;
Transport Statement - Vectos, August 2018;
Travel Plan - Connect Consultants, August 2018.

Received 07/11/2018:

Delivery and Servicing Management Plan - Vectos, September 2018.

Received 09/11/2018:

Noise Report - Entran, October 2018.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3.
 - (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
 - (b) No development above ground level shall commence until details of a scheme complying with paragraph (a) of this condition which include details of the plant enclosure have been submitted to and approved in writing by the local planning authority.
 - (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

4.
 - (a) No development shall commence on site until the full details of the cycle parking for customers and cycling parking and changing facilities for staff have been submitted to and approved in writing by the local planning authority.
 - (b) All cycle parking spaces and changing facilities shall be provided and made

available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

5. No delivery/ collection vehicles shall arrive at or leave the site outside of the hours of 06:00-23:00 seven days a week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6. The premises shall not be open for customer business or operations between the hours of 23:00 and 07:00 hours on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for A1 Use Class (Retail) and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To prevent the introduction of town centre uses or uses incompatible with the immediate Bell Green Retail Park in accordance with the Section 7 of the NPPF, Core Strategy Spatial Policy 6 'Retail hierarchy and location of retail development' of the Core Strategy (2011), and DM Policy 'Location of main town centre uses' of the Development Management Local Plan (2014).

8. The shop front hereby permitted shall have a level or ramped access (maximum gradient: 1 in 12) and the entrance door shall be a minimum 900mm clear opening width and such features shall be retained permanently.

Reason: In order to comply with Policies 14 Sustainable movement and transport and 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 19 Shopfronts, signs and hoardings of the Development Management Local Plan (November 2014).

9. The horns, reversing alarms or any other audible alarms/warning devices of all delivery/collection vehicles shall not be switched on whilst at the site between the hours of 22:00 and 07:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

10. The engines of all delivery/collection vehicles shall be switched off within the site when not manoeuvring and the refrigeration of all delivery/collection vehicles switched off prior to the arrival at the store between the hours of 22:00 and 07:00.

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

and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

11. The external loading or unloading of all delivery/collection vehicles or the moving of cage trolleys externally shall not occur between the hours of 22:00 and 07:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 127 of the NPPF (2018); Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan (2016); and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

I N F O R M A T I V E S

- A. **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, positive discussions took place which resulted in further information being submitted.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.
- D. You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.
- E. You are advised that an application should be made for the display of any external advertisement.

Yours sincerely



Vivian Evans
Head of Planning

Statement of Applicant's Rights arising from Grant of Planning Permission subject to conditions:-

Appeals to the Secretary of State

- If you are aggrieved by the decision of the London Borough of Lewisham to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel No. 0303 444 5000, Email: enquiries@pins.gsi.gov.uk or fill in a form online via <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Planning Inspectorate that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Planning Inspectorate.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough of Lewisham. This notice will require the London Borough of Lewisham to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 Part VI of the Town and Country Planning Act 1990.