



Appeal Decisions

Hearing held on 5 July 2016

Site visit made on 6 July 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 6 December 2016

Appeal A: Ref: APP/Y3615/W/15/3137921

Aldi Store Ltd, 93 London Road, Guildford, Surrey, GU1 1YT

- 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 Aldi Stores Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01300, dated 8 July 2015, was refused by notice dated 7 September 2015.
 - The application sought planning permission for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014.
 - The condition in dispute is No 2 which states that: *"This decision relates expressly to drawing(s) 6064B CHE-V110F and 6064B CHE-V111C (received 30.01.14) and V6064B-L01B; 6064B-112A; 6064B-100; 6064B-110F; 6064BCHE-CGI04; 6064B-105H; 6064B-101; 6064B-113B6064B-111D received 26.11.13"*.
 - The reason given for the condition is: *"To ensure that the development is carried out in accordance with the approved plans, and in accordance with policy G1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07)"*.
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Appeal B: Ref: APP/Y3615/W/15/3139316

Aldi Store Ltd, 93 London Road, Guildford, Surrey, GU1 1YT

- 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 Aldi Stores Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01366, dated 10 July 2015, was refused by notice dated 5 November 2015.
 - The application sought planning permission for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014.
 - The condition in dispute is No 20 which states that: *"The use hereby permitted shall not operate other than between the hours of 08.00 and 21.00 Mondays to Saturdays (inclusive) and 10.00 and 16.00 on Sundays or Bank or Public Holidays"*.
 - The reason given for the condition is: *"To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07)"*.
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Appeal C: Ref: APP/Y3615/W/15/3137928

Aldi Store Ltd, 93 London Road, Guildford, Surrey, GU1 1YT

- 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 Aldi Stores Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01371, dated 10 July 2015, was refused by notice dated 9 October 2015.
 - The application sought planning permission for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014.
 - The condition in dispute is No 21 which states that: *"No deliveries shall be taken at or despatched from the site outside the hours of 09.30 to 22.00 Mondays to Saturdays and 09.30 to 18.00 on Sundays or Bank Holidays"*.
 - The reason given for the condition is: *"To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07)"*.
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Appeal D: Ref: APP/Y3615/W/15/3137932

Aldi Store Ltd, 93 London Road, Guildford, Surrey, GU1 1YT

- 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 Aldi Stores Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01363, dated 10 July 2015, was refused by notice dated 9 October 2015.
 - The application sought planning permission for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014.
 - The condition in dispute is No 40 which states that: *"There shall be no more than two deliveries to the store hereby approved per day. Of these two deliveries per day, no more than one shall be by HGV"*.
 - The reason given for the condition is: *"To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07)"*.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014 at 93 London Road,

Guildford, Surrey, GU1 1YT in accordance with the application Ref 15/P/1300 dated 8 July 2015 subject to the conditions in Annex A.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014 at 93 London Road, Guildford, Surrey, GU1 1YT in accordance with the application Ref P/15/01366 dated 10 July 2015 subject to the conditions in Annex A.

Appeal C

3. The appeal is allowed and planning permission is granted for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014 at 93 London Road, Guildford, Surrey, GU1 1YT in accordance with the application Ref 15/P/01371 dated 10 July 2015 subject to the conditions in Annex A.

Appeal D

4. The appeal is allowed and planning permission is granted for erection of a single storey building comprising a foodstore and warehouse with a green sedum roof and solar panels, 77 car parking spaces, eight covered cycle spaces, loading and unloading area including one lorry parking space and associated landscaping. Off site highway works on London Road and Burpham Lane are also proposed without complying with a condition attached to planning permission Ref 13/P/02028, dated 28 February 2014 at 93 London Road, Guildford, Surrey, GU1 1YT in accordance with the application Ref 15/P/01363 dated 10 July 2016 subject to the conditions in Annex A.

Application for costs

5. At the Hearing applications for costs were made by Aldi Stores Ltd against Guildford Borough Council. These applications will be the subject of a separate Decision.

Procedural Matters

6. As part of the site inspection I was asked to observe a delivery taking place at the store.
7. The Burpham Neighbourhood Plan (NP) has been produced and adopted. Therefore it forms part of the development plan. The Council's new local plan is emerging. It has not yet been examined and found sound. Therefore I cannot attach any substantial weight to its policies. The appeal is considered on this basis.

Background and Main Issues

8. The site was previously occupied by a public house. Planning permission was granted for a new foodstore and warehouse with a green sedum roof and solar panels¹. This is occupied by Aldi Stores Ltd. This planning permission was granted subject to 40 conditions. The appellants have subsequently sought to vary conditions 2, 20 & 21 and remove condition 40 entirely. The Council refused these applications.
9. Accordingly the main issues are:
 - The effect of the variation of condition 2 on the character and appearance of the area;
 - Whether the disputed conditions 20, 21 & 40 are necessary and reasonable, having regard to the living conditions of nearby residents, with particular regard to noise and disturbance.

Reasons

Appeal A – Character and Appearance

10. It is common ground that the site is not located in a Conservation Area and does not contain any features of specific historic note. It is also agreed that the immediate area does not have any one specific architectural style.
11. The site is located at the junction of Burpham Lane and London Road. The building is positioned such that it has a curved elevation that is visible on approach to the roundabout from the north and east. I was told at the hearing how the design approach had led to the London Road elevation having a clear vertical emphasis to emulate the proportions of nearby shopping parades.
12. The canopy is in place at the store entrance. The change is in the material finish of the structure. The approved canopy was glazed whereas the one installed on the building, whilst the same dimensions, has a solid appearance. The Council is concerned that the 'vertical emphasis' should continue around the building and more specifically that the 'reverse' elevation of the building should be equal in design quality to the rest of it.
13. The canopy as built is solid. Nevertheless the materials that have been chosen complement the main building structure. As a result its appearance is not out of place when the building is viewed as a whole. In addition the position of the canopy does not interfere with the strong vertical emphasis of the London Road elevation.
14. This elevation is visible from the road and for pedestrians when approaching from the south along London Road. However, the views are limited up until a point in close proximity to the building. Overall, it does not appear dominant in the wider street scene and the material choice ensures that when it is visible it is not incongruous.
15. I understand that some of the local residents raised concerns regarding the use of the area underneath the canopy. This is not a matter before me and does not alter my conclusions on the issue of character and appearance. I therefore

¹ LPA Ref 13/P/02028

conclude that the variation of condition 2 to allow the amended design would not be harmful to the character and appearance of the area. It would not be in conflict with policy G5 of the Guildford Borough Local Plan which amongst other things seek well designed new development that responds to the context of its surroundings, Burpham Neighbourhood Plan or the National Planning Policy Framework (the Framework) which seek to reinforce local distinctiveness.

Appeals B, C & D – Living Conditions

16. The nearest residential dwellings to the site are those in West Court. There is no dispute that this is about 25 metres away. There are also dwellings beyond West Court on Burpham Lane. The Council's decision notices for conditions 20, 21 & 40 refer specifically to the proximity of West Court. The refusal for condition 20 also refers to the impact on other 'surrounding properties'.
17. Noise measurements were carried out at two locations on the boundary of the site. The appellants submit that these locations were chosen to represent the front and rear of West Court. The Council's assessment took measurements at a single point close to the nearest noise sensitive property.
18. The variation of Condition 20 seeks to increase the opening hours of the store Monday to Saturday by 1 hour in the evening to 22.00. At the hearing the Council raised concerns regarding the movement from cars, engines, car doors slamming and headlight beams.
19. The appellants' noise information was updated following the opening of the store. It sought to determine the impact of the additional hour of trading on nearby residents. Specifically a comparison between the last hour of trading is compared with the following hour (21.00-22.00) without trading. It is submitted that the difference in noise levels would be less than 3 dB. The appellants consider that this change would be imperceptible to local residents. The technical aspect of this is not disputed by the Council.
20. The appellants are clear that the need for extended hours has derived from a need to offer more flexibility for customers and improve the overall shopping experience. The vehicle entrance to the store is taken from Burpham Lane. Pedestrians could also enter this way or from London Road. An increase in opening hours over six days a week would result in customers coming and going from the site later in the evening. The site has an agreed lighting scheme, agreed under condition 35. In addition it is surrounded by a fence that is about 2m in height.
21. Furthermore the store is located in an area where there is already commercial activity around it. There is a petrol filling station nearby and both the London Road and Kingpost Parades. As the appellants point out a number of these premises operate later in the evening. I appreciate that these units are smaller. However, London Road itself is also a busy through route and the movements within the parade later in the evening would, in my view, contribute to the overall context. Taking all of these factors into account, including the absence of a technical objection from the Council, I do not consider that, taken alone, the increase in opening hours proposed would have a significant adverse effect on living conditions of surrounding residents.
22. Condition 21 seeks to extend the delivery hours from Monday to Saturday. The change would be in the morning. A start time of 06.00 is proposed, compared

- to 09.30 at present. The appellants seek to remove Condition 40, which restricts the number of deliveries, entirely. Prior to the hearing additional noise submissions were made dated 1 July 2016. These submissions followed a meeting between the appellants and the Council.
23. The potential sources of noise are from the vehicle movement itself, unloading and loading and the frequency of these activities. The Hann Tucker Associates (HTA) report produced on behalf of the Council concludes that '*...the noise generated by the delivery activities could equate to a significant adverse impact upon the nearest noise sensitive property if conducted from 06.00-07.00*'.
24. The agreed BS 4142:2014 assessment gives the assessment for the time period of '07.00-09.30' as 'low' in both cases. This would be based on a management plan being provided to limit the number of deliveries between 06.00 and 08.00 to one/hour. The period from 06.00-07.00 was also included in the joint assessment. Whilst the figures between the parties are different, even when corrected, both sit below +10dB. As such the assessment of the impact is 'adverse'.
25. In both cases the noise impact would depend on the agreement of a service and delivery management plan. Suggested provisions are made within the statement of common ground. Specifically that reversing beepers are not used, which is already, and would continue to be, controlled by condition, no external transfer of goods, only one HGV on site at any one time and only one delivery between 06.00 and 07.00². I have been provided with a '*Service and Waste Management Plan*' dated 2 July 2015. However, whilst some aspects of it remain relevant, overall its content would not cover the detailed mitigation now proposed within the Statement of Common Ground and expanded on at the hearing. Therefore, submission of a new service delivery and management plan would be reasonable and necessary.
26. The appellants have referred me to the Planning Practice Guidance (PPG) and its guidance regarding how to identify when noise could be a concern. The PPG is clear that where the effect of noise would be 'adverse' then the appropriate action would be to '*mitigate and reduce to a minimum*'.
27. The PPG also identifies that there are a number of factors that influence whether noise could be a concern. The sources of noise would be the arrival of the delivery truck, unloading and then leaving the site. In this regard the noises would not be continuous. For the majority of these movements it is submitted that the context of the site is a key consideration. In particular the impact of the noise from the road on background noise levels. The appellants want to increase the frequency of the deliveries above two per day. However, the submission is that no more than one vehicle would be in the service yard at any one time. In addition at the time when background noise would be lower no more than one HGV delivery would be made.
28. The appellants report identifies the durations as arrival 2 mins, unloading 57 mins and departure 1 min. The HTA report identifies that the approximate duration of the delivery for the articulated truck reversing into the bay is about 3 mins and unloading greater than 15 mins. The main impact from delivery activity is identified in both cases as being from the vehicle arriving and

² Paragraph 6.9

- manoeuvring into the loading bay. The delivery vehicles enter the site from Burpham Road and into the car park. They then reverse into the loading bay which is partially enclosed. The unloading is undertaken directly from the vehicle into the warehouse. There is no external unloading activity.
29. The duration of the vehicle movements is short within the hour that a single vehicle would be on site. The appellants documents indicate that the frequency of deliveries would be typically be 2-3 per day rising to 5/6 during busy periods. However, at the hearing I was told that 7 vehicles per day would allow for 'peak' activity and prevent a further breach. It is clear that the impact of deliveries after 07.00 and further into the day would be 'low'. I note that the delivery activity assessed did not use reversing beepers and that a banks man was present. The appellants were clear that it is important to have a delivery before the store opens to ensure that fresh products are in store and to reduce conflict with customer use of the car park. This would require at least one delivery prior to the store opening at 8am.
30. At the hearing the Council's noise consultant was clear that the impact would be 'adverse' before 07.00 and 'low' after. In addition that where an impact is 'adverse' then it should be mitigated and reduced. The Council also pointed to the issue of sleep disturbance. Specifically that the proposals would exceed WHO guidelines and therefore should be avoided. The appellant did not dispute this the WHO standards are exceeded but consider that this should be taken in context of what is currently going on, in particular that this is a commercial not a quiet area. Neither assessment identifies tonal noise as an issue. The noise from unloading is described as having intermittent banging noises. The vehicle movements are described as 'slightly impulsive'. This is reflected in the HTA figures in the assessment.
31. Overall, at the points where there would be less background noise the proposal would introduce one delivery to the site. The impact of deliveries further into the day as already been identified as low. I understand that the Council are concerned about the cumulative impact. Nevertheless, the movements of the vehicles would not be continuous or tonal. Therefore I do not consider that to allow the change proposed, subject to the use of a service delivery and management plan already identified, would have a '*significant adverse*' impact as set out within the PPG. In addition where there would be an 'adverse' impact this can be mitigated to reduce it to a minimum.
32. I therefore conclude that the proposal would not have an adverse effect on to the living conditions of nearby residents, with particular regard to noise and disturbance. As such conditions 20, 21 and 40 as originally imposed are not reasonable or necessary. As such the proposals to vary the conditions imposed on the initial planning permission would not be in conflict with saved policies G1 and G5 of the Guildford Local Plan and NP policies B-FD1, B-T1 and B-FD5 which amongst other things seek to ensure that the amenities of existing nearby occupiers from unneighbourly development.

Other matters

33. I have carefully considered the other issues raised by interested parties. In particular issues relating to traffic, safety and lighting. The conditions under consideration were imposed to safeguard character and appearance and the living conditions of existing occupiers with regard to noise.

34. I understand that there is concern about the size of the permitted car park area. In addition the proximity of the site access to Burpham Lane, which residents point out, can be busy at certain points in the day. Further it was pointed out that the road is a route to the nearby school. The proposals before me do not seek amendments to the car park size. There were no technical objections to the changes. In addition The Council's statement clarifies that the original transport assessment clarified that it was acceptable for delivery vehicles to manoeuvre within the customer parking area.
35. I appreciate that there is concern about the ability of drivers to manoeuvre on site. In particular the use of parking spaces when deliveries take place and the ability of drivers to see when undertaking manoeuvres. I was able to see the manoeuvre as part of my site inspection. If deliveries were to take place before the store opens then the conflict in use of the parking spaces would be removed. In addition the appellants have indicated that measures can be put in place to manage deliveries. In particular the use of banks men and phone/radio communication between drivers and the store.
36. With regard to traffic residents are concerned that additional delivery vehicles would have to wait for a car to enter or exit the car park before it can turn. In particular that Burpham Lane would become blocked especially with its proximity to the roundabout. However, such short delays are not uncommon in relation to car park use and movement. I can see no reason to find that there would be any harm to highway safety resulting from the proposals. In this regard it would not conflict with the Framework which is clear that development should only be prevented on transport grounds where the impacts would be severe.
37. Whilst not part of the Council's reason for refusal interested parties also raised the issue of pedestrian safety, in particular school children walking on Burpham Road and the crossing over the delivery bay within the site. Whilst I appreciate the concerns raised I have no substantive evidence that there would be a direct link between a change in the deliveries to the site and an adverse impact on pedestrian safety on Burpham Road itself. In particular the crossing of the loading bay has been in place for some time without incident. Furthermore, the appellants' use of banks man, which is enforceable through a Service and Development Management Plan, would ensure continued awareness of this.
38. The lighting on site was also raised by residents. There is an agreed external lighting scheme for the site. In addition internal lighting is controlled by condition. I have no reason to conclude that these provisions would not remain appropriate for the site.
39. I was referred to an example of an Aldi store in Chertsey which I have considered carefully. However, my understanding is that this is not in the same borough as the appeal site. Further I do not have all the details of this case. As such I cannot be satisfied that it is comparable to the appeal scheme. Therefore I attach very limited weight to this example. I have in any event judged the scheme before me on its individual merits.

Conditions

40. Section 73 allows the decision maker to attach new conditions, to not attach conditions that were previously imposed or to attach modified versions of them. In this case the decision relates to four separate conditions. However, all of the issues were discussed at the Hearing. Therefore my approach is

based on my conclusions on the main issues. In particular, in light of this, it is appropriate to review the conditions in their entirety. This is based on the discussion of a comprehensive list of conditions at the Hearing and the Statement of Common Ground. Conditions that the parties agreed were discharged are omitted from the list.

41. The appellants have referred me to a case³ regarding the enforceability of a Service and Development Management Plan. In this case the issues primarily relate to the use of car parking spaces for delivery, the number of vehicles on site, particularly for early deliveries, and the provision of banks men.
42. To control the numbers of vehicles on site it would be possible for drivers to be instructed on approach to the store. The parking spaces that would be used when a delivery is made would be low in number and those furthest from the store entrance. The level of management intervention that would be required if these spaces were needed when a delivery takes place would be low. The same applies to the provision of a banks man. It would be readily apparent by observation and inspection of the stores delivery records if the Service and Development Management Plan were not complied with. As such I agree with my colleague that such a provision would be practical to enforce and as such a reasonable and necessary condition in this case.
43. In the interest of the character and appearance of the area conditions are necessary to secure the correct plans, ensure boundary treatment, landscaping, refuse and recycling storage and materials and glazing are carried out as agreed. To ensure compliance with the Council's policies for carbon emissions the development should also be carried out in accordance with the scheme for solar panels, measure for carbon reduction already agreed and the Breeam certification completed. Conditions remain necessary to control the use of the building and the amount of retail floor space.
44. I have amended the conditions relating to store opening and delivery hours for the reasons set out in the main reasoning. In the interests of the living conditions of existing occupiers there should be no more than one HGV on site at any one time, loading and unloading should be in the dock, quiet technology and banks man should be used, lighting restrictions and any noise from other plant and machinery remains restricted. In the interests of highway safety conditions relating to the access, parking/turning, loading/unloading area, car park management plan, travel plan and cycle parking remain necessary.
45. It was suggested at the hearing that a condition to restrict advertising on the canopy should be imposed. However, separate control exists for adverts and as such I do not consider such a condition would be necessary or reasonable in this case.

Conclusion

46. Therefore having regard to this and all other matters raised I conclude that the appeals should be allowed.

D J Board

INSPECTOR

³ APP/F1040/A/13/2195600

Annex A –Conditions

1. This decision relates expressly to drawings 6064B-112D; 6064B-110M; 6064B-111L and drawings as approved by 15/P/00494 and 13/P/0208.
2. The development shall be carried out in full accordance with the boundary treatment details agreed through the discharge of condition five of 13/P/02028. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.
3. The landscaping scheme as shown on drawing V6064B-L01B, shall be implemented in full prior to the occupation of the building hereby approved. Any changes from the approved scheme shall be submitted to and approved in writing by the local planning authority prior to implementation.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The development shall be carried out in full accordance with the sedum roof system details which have been agreed through the discharge of condition 8 of 13/P/02028. The approved details shall be implemented prior to the first occupation of the development and thereafter retained.
6. The obscure glazing details in connection with ground floor windows on the south-east and south-west elevations as approved by notice dated 31 December 2015 (In connection with 15/P/00494) shall be retained and maintained, unless otherwise agreed with the Local Planning Authority.
7. The development shall be carried out in full accordance with the solar panel details agreed through the discharge of condition ten of planning application 13/P/02028. The approved details shall be implemented and thereafter retained.
8. The development shall only be carried out in full accordance with the reduction in carbon emissions measures approved through the discharge of condition 11 of 13/P/02028. The approved details shall be implemented in full and maintained for the lifetime of the building.
9. Within 12 months of opening the food store, a final certification of compliance and assessment report from an assessor accredited by the Building Research Establishment Limited, shall be submitted to the local planning authority, demonstrating that the development has achieved a minimum rating of BREEAM 'very good.'

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any other Order amending, revoking and re-enacting that order), the foodstore premises shall be used for a limited assortment discount retail foodstore only and for no other purpose within Class A1.
11. The net internal sales area of the food store hereby approved shall not exceed 972 sqm and no additional internal floor space shall be created (for example by the installation of mezzanine floors) without the prior permission of the local planning authority, following the formal submission of a planning application.
12. Notwithstanding the provisions of the Use Classes Order 1987 (as amended) (or any other Order amending, revoking and re-enacting that order), no more than 20 per cent of the net internal sales area shall be used for the display of comparison goods.
13. The use hereby permitted shall not operate other than between the hours of 08.00 and 22.00 Mondays to Saturdays (inclusive) and 10.00 and 16.00 on Sundays or Bank or Public Holidays.
14. No deliveries shall be taken at or dispatched from the site outside the hours of 06:00 to 22.00 Mondays to Saturdays and 09.30 to 18.00 on Sundays or Bank or Public Holidays.
15. No more than one HGV vehicle shall be on site at any one time during the hours permitted by condition 14 above.
16. Any deliveries to the site shall be unloaded at the warehouse dock only and the rubber shroud shall be used at all times when loading and unloading.
17. Delivery vehicles to the food store and other vehicles working in the delivery area shall use 'Quiet Technology' reversing warnings, such as broadband sound reversing systems, and use a banks man for any deliveries between 06.00 – 08.00 and 21.00 - 22.00 hours on any given day.
18. Any air handling plant, generators, fixed mechanical, electrical or hydraulic equipment etc, installed at the development and operated at any time in connection with the carrying out of this permission shall not produce broadband noise that is clearly audible at the boundary of any noise sensitive premises. Noise from operating plant shall therefore not exceed the existing background noise level (LA90) at noise sensitive premises at any time. At no time shall there be any tonal or acoustic features of the operating machinery that will increase the existing residual noise level so as to be clearly audible at the boundary of any nearby noise sensitive premises. A regular and routine maintenance programme will be employed to ensure operational plant does not increase noise output due to mechanical wear or defect that will result in any unit failing to meet the above noise criteria.
19. The vehicle access to Burpham Lane shall be permanently retained.

20. The approved parking/turning area, loading/unloading area for vehicles to turn so that they may enter and leave the site in forward gear (including those designated for disabled use) shall be used and retained exclusively for its designated use.
21. The development shall be operated in accordance with the car park management plan dated 27th April 2015 and approved by notice dated 31 December 2015 (in connection with 15/P/00494).
22. The approved Travel Plan (dated January 2013) shall be maintained and developed to the satisfaction of the Local Planning Authority.
23. The development shall be operated in accordance with the details discharged by notice on 31 December 2015 (in connection with 15/P/00494) relating to space laid out within the site to provide secure, lit and covered cycle parking and changing facilities, which shall be retained for its designated use.
24. Any wall/landscaping fronting London Road shall be kept below 600mm (0.6m), for the first 500mm (0.5m) into the site, therefore achieving the guidelines contained within LTN 1/12.
25. The approved lighting shields discharged by notice dated 31 December 2015 (in connection with 15/P/00494) shall be retained and maintained for the lifetime of the installation.
26. The external lighting shall only be switched on when the foodstore is open for trading and for a safe egress period of 30 minutes after the store closes.
27. No storage of refuse or recycling materials shall take place outside of the foodstore or the loading bay.
28. Within one month of the date of these decisions a Service Development and Management Plan (SDMP), shall be submitted to and agreed in writing by the Local Planning Authority. This shall include but not be limited to details of the management of deliveries to site before 0800, management of delivery vehicles to and from the store and within the site, use of 'Quiet Technology'. Thereafter the development shall be operated in accordance with the detailed of the SDMP.

APPEARANCES

FOR THE APPELLANT:

Roland Stanley	Aldi Stores
Alistair Close	Planning Potential
James Pereira	FTB
Gary King	Sharps Redmore
Gary Humphreys	Harris Partnership
Nicholas Bradshaw	Connect Consultants
Paul Galgey	Planning Potential

FOR THE LOCAL PLANNING AUTHORITY:

Chris Ward	Guildford Borough Council
Mike Keech	Guildford Borough Council
John Gibbs	Hann Tucker
Christian Holliday MRTPI	Councillor
Mike Piper	Councillor

INTERESTED PERSONS:

Tricia Squibb	Local resident
Hazel Teal	Local resident
John Wright	Burpham Community Association
Karen Fryatt	Local resident
R Spencer	Local resident
V Webb	Local resident
M Howard	Local resident
J Page	Local resident
M Deverell	Local resident
J Oliver	Local resident
Shelagh Spencer	Local resident
Keith Meldrum	Local resident
Dylan White	Local resident
Jim Allen	Burpham Neighbourhood Forum
Tony Teal	Burpham Community Association
Patricia Langridge	Burpham Community Association

DOCUMENTS

1. Sharpes Redmore Document reference TN-1.7.16-Aldi Guildford 1515359-GJK;
2. Letter from Mrs F.J.P. Davy dated 4th July 2016;
3. Appeal decision APP/F1040/A/13/2195600;
4. Letters from Liz Critchfield, Dr Kerstin Williams, William & Peta Lawrence and Mrs Jean Davey;
5. Committee report 13/P/02028;
6. Applications for costs made on behalf of the appellants;

7. Revised list of conditions;
8. Letter from S M Spencer;
9. Information regarding Aldi store in Chertsey;
10. Representation from Mr John Wright;
11. Copy of submissions dated 10 July 2015 and Service and Waste Management Plan dated 2 July 2015.