

Appeal Decisions *ALLOWED*

Inquiry opened on 19 December 2000

by Philip Wilson DipArch DipTP RIBA MRTPI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

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Date 08 FEB 2001

Appeal Ref: APP/X5210/A/00/1046262
32-42 Whitfield Street, London W1

- 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 Estates and Agency Holdings plc against the decision of Camden London Borough Council.
- The application (ref:PS9805221R2), dated 7 December 2000, was refused by notice dated 13 January 2000.
- The development proposed is redevelopment of the site to provide (a) basement containing A1 ancillary storage and bakery, (b) ground floor A1 use and B1 entrance, (c) first to fourth floors B1 use.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions, as described in the Formal Decision below.

Appeal Ref: APP/X5210/E/00/1050858
34-42 Whitfield Street, London W1

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
- The appeal is made by Estates and Agency Holdings plc against Camden London Borough Council.
- The application (ref:CSX0004831) is dated 26 July 2000.
- The application proposes the demolition of all buildings and structures.

Summary of Decision: The appeal is allowed and conservation area consent is granted in the terms set out in the Formal Decision below.

Procedural Matters

1. The inquiry opened on 19 December and closed on 21 December 2000. With the agreement of the parties, I have corrected the address quoted in the conservation area application from 38-42 Whitfield Street to that indicated above. Through an oversight, the reasons for refusal of planning permission omit to list plan 3387/P/02. For the avoidance of doubt, I have taken drawing 3387/P/02 into account in determining the planning appeal. The parties agree that the appeals should be determined on the basis that they are inextricably linked. Although not a requirement of the rules under which the Inquiry was held, I have been provided with an agreed Statement of Common Ground. I have taken the information it contains into account in determining the appeals.

Appeal Site and Surroundings

2. The appeal site comprises land on the east side of Whitfield Street occupied, in part, by a 3 storey office building. The remainder of the site is a service yard. It contains an elevated

loading bay and goods lift that connects with the basement of a Tesco store on the ground floor of an office building at the junction of Whitfield Street with Goodge Street. To the north of the appeal site is a 5-storey office building at 44-46 Whitfield Street and to the east, the rear of premises fronting Tottenham Court Road. On the west side of Whitfield Street, opposite the southern part of the appeal site, is a building containing recording studios operated by Sony Ltd. To the south of this building, on the corner opposite the Tesco store, is a public house with ancillary accommodation above.

3. The area is one of mixed character, containing shops, offices, restaurants and dwellings occupying, in the main, upper floor accommodation. A notable exception is a purpose built block of 6 flats at 48-50 Whitfield Street. Whitfield Street is a distributor road forming part of a one-way system carrying traffic from north to south. Goodge Street is also one-way, from west to east. Waiting restrictions apply in both streets. Kerb extensions and other works have been carried out in Goodge Street as part of a scheme of environmental improvements. Goodge Street is defined, for shopping purposes, in the Council's Unitary Development plan as a Neighbourhood Centre. The appeal site lies within the recently extended Charlotte Street Conservation Area

Planning History

4. Planning permission was granted in 1987 for demolition of the existing building and the erection of a 5-storey office building on the appeal site. In February 1991 an outline planning permission was granted for an office and retail development on 5 floors with a basement. Improvements to the service yard were proposed. The permission was subject to a legal agreement requiring retention of the retail store operated by Tesco. That permission was subsequently extended by a variation of the condition requiring details of reserved matters to be submitted within a specified period.

Main Issues

5. The main issue in the planning appeal is whether the development proposed would cause loss of amenity by local residents or businesses through, in particular, noise, disturbance or traffic congestion.
6. The main issue in the conservation area appeal is whether demolition of the existing buildings and structures on the site would be premature, in the absence of an approved scheme of redevelopment.

Planning Policy

7. Policies relevant to the development and works proposed are contained in the Camden Unitary Development Plan (UDP), adopted in March 2000. Its policies are therefore up to date and are to be accorded full weight. The key policies, agreed by the parties in their Statement of Common Ground, are EC7 and EC9, concerned with economic development; SH1 and SH20, concerned with shopping; TR13, TR21, TR22 and TR23, covering transport matters and EN33, conservation. Of these, no conflict is alleged by the planning authority with the aims or objectives of policies EC7 and EC9, or with those of SH1 and EN33.
8. Policy SH20 states that, the Council will, where there would be no harm to the local environment, require all new retail development comprising A1, A2 and A3 uses, to make adequate provision for service vehicles in line with Development Standards. Policy TR13

includes a requirement that the Council's Development Standards be applied to proposals while policy TR21 seeks to improve conditions for pedestrians, with particular regard to convenience and safety. Policy TR22 sets out the Council's aim to improve the Borough's cycle network and to safeguard their needs. Policy TR23 requires that adequate provision be made for goods vehicles within all development, in line with Development Standards. The policy advises that the Council will promote measures to protect people from the adverse effects of commercial vehicles.

9. The Development Standards, referred to in policies TR13 and TR23, are included in the UDP under reference DS10. The supporting text to DS10 indicates that the standards relate, in particular, to the implementation of policy TR13. Applied to the scheme of development proposed, the standards requires, for the retail use, that a minimum of one 3.5m x 16.5m service bay be provided within the curtilage of the site. The standard for offices is a minimum of one 3.5m x 8m bay within the curtilage of the site. In both cases, additional space is sought to cater for the predicted accumulation and size of service vehicles.

Reasons

Section 20 Appeal

10. For convenience, I deal first with the Section 20, conservation area, appeal. In doing so, I have had regard to the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires me to pay special attention to the desirability of preserving or enhancing the character of a conservation area when exercising planning powers. I have also had regard, in both appeals, to guidance contained in Planning Policy Guidance note 15 *Planning and the Historic Environment* (PPG15).
11. The spine of the conservation area is Charlotte Street. The area includes streets running at right angles from it, from Chitty Street in the north to Gresse Street in the south. The appeal site falls within the recent extension to the conservation area. The area is one of mixed architectural character with a predominance of mid 19th century buildings.
12. The office building that presently occupies the site of 38-42 Whitfield Street dates from the 1960s. Its design is unremarkable and the contribution it makes to the street scene is, at best, neutral. In addition to its use for servicing the adjacent Tesco food store, the yard to the south of the office building is used for parking in connection with the office use. The service bay and goods lift enclosure present a generally unsightly picture in the street scene.
13. The appeal is against non-determination of an application to demolish all buildings and structures on the site. The Council's position, confirmed in evidence at the Inquiry, is that demolition is acceptable in principle but that consent for demolition should not be granted in the absence of an acceptable scheme of redevelopment. I find the Council's position consistent with PPG15 guidance.
14. The contribution made to the street scene and to the conservation area by the present office building and other structures on the appeal site is one that could be made by replacement development - and probably to better effect. That also appears to be the view of the Council who do not object to the form, scale or design of the proposed development. Confirmation that an alternative form of development is desirable is borne out by a planning permission granted in 1991 for redevelopment of the site of 34-42 Whitfield Street. I note, however, that that permission was granted before the conservation area was extended.

15. My conclusion on the main issue in this appeal takes account of the linkage between the two appeals. While I find no objection in principle to redevelopment of the appeal site, and although it is evident that the replacement building proposed has the potential to improve the street scene and enhance the conservation area, in the absence of an approved scheme I conclude that to allow the appeal and grant conservation area consent would be premature.

Section 78 Appeal

16. I turn now to the planning appeal. Dealing first with technical and highways considerations, the existing single, off-street service bay is used exclusively by Tesco. I note that the Council, in the context of policy TR13 and in applying its development standards, is satisfied that off-street servicing arrangements for the proposed A1 and B1 uses could be combined. That appears to me to be a sensible, pragmatic approach, given the nature and scale of the development.
17. The appellant's position is that redevelopment of the site should take place without the provision of a service bay. In the appellant's view, the incorporation of a service bay would negate the benefits of the appeal scheme and discourage redevelopment of the site. Although I am not convinced that the inclusion of a service bay would make the redevelopment option unattractive, I think it right that the reasonableness of the Council's stance be tested before addressing the substance of the main issue.
18. The present service bay is used only by Tesco vehicles for making deliveries to the Tesco store. The adjacent yard appears to be used throughout the day for parking in connection with the existing office use at 38-42 Whitfield Street. It is therefore reasonable to conclude, as indicated by evidence, that all other deliveries to the Tesco store are made from the street. There are presently no planning restrictions on the frequency or times of deliveries, either at the service bay or from the street. It is also the case that neither Tesco nor any future occupier of the existing A1 floorspace could be compelled to use the service bay.
19. Delivery of goods from vehicles parked in either Whitfield Street or Godge Street appears to be established practice. There have previously been allegations of noise nuisance, by the occupiers of nearby dwellings, arising from deliveries to the Tesco store. That nuisance has ceased following an abatement notice served on Tesco Stores Ltd in 1999. The notice remains in force. It advises that, under the provisions of the Environmental Protection Act 1990, a recurrence of nuisance could lead to prosecution,
20. Tesco vehicles deliver the bulk of goods and produce to the store and employ the largest vehicles. Given the ability to off-load containers directly into the goods lift and thence into the basement storage area, it is understandable that use is made of the service bay. That said, the bay was clearly not designed to accommodate articulated lorries of the length now in common use for bulk deliveries. As a result, part of the cab unit of the lorry projects over the footway on the east side of Whitfield Street. Inconvenience to pedestrians and other road users might be avoided if, as suggested by the Council, smaller vehicles were used. However, the competitive climate in which food retailers operate makes this unlikely.
21. The servicing arrangement proposed by the appellant anticipates a loading bay being defined on the carriageway in Whitfield Street and marked for use only as a loading bay. The definition of a bay does not appear to present any technical or procedural difficulties under planning or highways legislation and the Council confirmed at the Inquiry that it has the necessary powers to provide such a bay, subject to there being no overriding objection.

From explanations and details presented at the Inquiry, I am satisfied that vehicles even larger than those currently being used would be able to manoeuvre into Whitfield Street and into an on-street loading bay causing, in the process, less obstruction to other traffic than is associated with the present arrangement.

22. Against this benefit must be weighed the prospect of the loading bay, to which Tesco would not have exclusive access, being occupied by another vehicle. Were this to occur, a Tesco vehicle would have to wait in the street or attempt to park in front of or behind the vehicle already there. In view of the way in which it is envisaged that the loading bay would be defined and bearing in mind, also, the Council's enforcement powers, I consider that the casual and unattended parking of cars in the bay would be infrequent. Legitimate loading operations by others could occur. These could delay use of the bay by Tesco; but delays of this kind might also occur at present if a vehicle was parked across or close to the entrance to the existing service bay. On balance, taking into account only traffic and highways considerations, I consider the loading bay proposed to be the preferred option.
23. I have considered whether the incorporation of an on-site service bay in a new building on the appeal site would offer advantages greater than those provided by on-street loading bay, but have concluded that it would not. The constraints of the appeal site do not make the provision of an on-site service bay a particularly easy option and the need for a potentially hazardous reversing movement, across the carriageway and eastern footway of Whitfield Street, would remain. I am also concerned that an on-site bay serving A1 and B1 uses could result in conflict between vehicle manoeuvring within the site.
24. A Planning Obligation entered into by the appellant under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) and executed as a unilateral undertaking, covers the cost to the Council of promoting the traffic regulation orders needed to create an on-street loading bay. There can, of course, be no certainty that the orders would be confirmed. However, I am reassured that arrangements for making and confirming traffic orders lie largely within the hands of the Council who would no doubt wish, in relation to an approved scheme of development, to secure the safest and most convenient solution in traffic and highways terms.
25. Taking all the above matters into account, and having regard to the degree of flexibility allowed for in their application by the reasoned justification for them, I find no serious conflict with the underlying purpose of policies SH20, TR13, TR21, TR22 or TR23. Nor do I consider that a departure from Development Standard DS10 would, in this case, undermine the purpose of the standards. In forming that view, I have borne in mind that that the supporting text to DS10 explains that it will be used having regard to the opportunities and constraints presented by each site or building, and to any other material planning consideration.
26. I have felt it necessary to address the above matters because they bear directly upon the issue of amenity. The scheme, as proposed, relies on a servicing arrangement that has consequences for the public interest. So far as residential amenity is concerned, I have noted the type and distribution of dwellings in the area and their proximity to the appeal site. Noise is an issue that has been addressed in the past, mainly in relation to vehicles servicing the Tesco store at hours when most people would expect to be sleeping.
27. There are four factors that lead me to conclude that the development proposed would not result in noise nuisance. First, there has been no reported noise nuisance arising from

Tesco's operations during the two-year period that has elapsed since service of the abatement notice. This suggests that Tesco is now sensitive to the needs of local residents and I see no reason why conditions should materially alter as a result of the development proposed, or why consideration for local residents should be any less if a different retailer occupied the store. Secondly, servicing of the store would be carried out through the new building. That allows the hours of servicing to be confined, by planning condition, to those when nuisance would be less likely to occur.

28. Thirdly, I was provided at the Inquiry with a description of improvements being carried out to the system by which goods are moved from vehicles into the store. Among these is the use of plastic rather than metal wheels on delivery containers. This would, in my opinion, serve to reduce noise at source. Finally, the appellant has offered to pay for resurfacing the footway between the proposed loading bay and the service entrance, with a finish that would produce less noise than the present surface.
29. Taken together, I conclude that these measures offer a reasonable assurance that nearby residents would not be exposed to unacceptable levels of noise at times when they might expect relative freedom from noise and disturbance. Concerning the final part of the main issue, I do not consider that the development proposed would cause those living in the area to experience any more traffic congestion than they might at present.
30. With regard to the interests of other businesses operating in the area, although the A1 use proposed could concentrate servicing activity in a particular part of Whitfield Street, I do not consider that any noise or other disturbance attributable to it would harm those interests. In forming this view, I have had particular regard to the presence of the Sony recording studios on the west side of Whitfield Street and their relationship to the appeal site.
31. That leaves the matter of highway congestion to be considered. The only business objector to the appeal scheme is Sony Ltd, who were represented at the Inquiry. Evidence was given on their behalf concerning the effect of the proposed servicing arrangements on the operation of the studio. It is relevant, in my view, that Sony's objections were not reflected in evidence given by the Council as either planning or highways authority. The Council's concern, it seems to me, is based on the inconvenience it believes would be caused to road users generally and, following from that, the failure of the appeal scheme to respond to the requirements of adopted planning policies and standards.
32. During my site visit, I inspected the interior of the recording studios and saw the private yard at the rear, accessible only from Charlotte Street. The yard is used for parking and to provide secure access to the rear of the building. It is a confined area and one that could not, in my opinion, meet the full servicing requirements of the studios. I have no doubt that the Whitfield Street entrance –described as the front entrance - is used by more people than enter and leave via Charlotte Street and that it is relied upon for the delivery and collection of equipment and instruments.
33. There is no real dispute between the appellant and Sony that operation of the studios requires vehicles to arrive at, depart from and occasionally park in Whitfield Street. The issue comes down to the amount of vehicular activity and whether the on-street servicing operations associated with the Tesco store would materially interfere with these. I consider that deliveries to the store by small commercial vehicles are unlikely to have any greater impact on Sony's operation than a parked private car. Sony's main concern in with deliveries, more than 30 a week, made to the Tesco store by lorries up to 2.5 metres wide.

The width of the carriageway in this position is some 6.6 metres. A lorry parked in an on-street service bay would leave a little over 4 metres for other vehicles to pass or park. Were a car or light van, roughly 2 metres wide, to be parked on the west side of Whitfield Street, immediately opposite a parked lorry, the negotiable width of carriageway would be much reduced, possibly preventing larger commercial vehicles from passing. Were a large lorry to be parked outside the Whitfield Street entrance to Sony's studios - delivering or collecting equipment - the street would be blocked to all but the smallest vehicles.

34. In assessing the possible consequences of the appeal proposal, I have had regard to evidence provided by Sony on the extent of the use made of the Whitfield Street entrance. From the information available, I find it difficult to determine what the precise daily level of use is, or might be in the future. Much reliance is placed by Sony on estimates of the number of vehicle movements. The intensity of use, actual or estimated, varies considerably and could detect no obvious pattern in arrivals and departures.
35. It may well be that there is no established pattern of use from which a conclusion concerning potential conflict with Tesco's operations might be drawn, but I am doubtful that the arrival and departure of large vehicles, or their waiting for extended periods outside the front entrance of the studios, are regular or frequent events. Even if they were, opportunities would remain for vans or lorries to be loaded or unloaded in positions reasonably close to the studios' front entrance, to the north of the junction of Whitfield Street with Goodge Street.
36. In weighing the benefits of the arrangement proposed, I have been mindful that a formal, on-street loading bay might lead to further restrictions on waiting in Whitfield Street. To be weighed against this is the fact that the loading bay would be available for general use and – although not especially well placed to serve the studios – could be used by Sony.
37. I have also noted the presence of the public house at the corner of Whitfield Street and Goodge Street and have considered the possible effect that deliveries to those premises might have on servicing in Whitfield Street. The possibility of congestion cannot be ruled out; but the situation might not differ greatly from that which exists at present. The introduction of a properly marked out loading bay on the east side of Whitfield Street would not, in my opinion, increase the likelihood of congestion being caused.
38. The effect of the appeal proposal requires special consideration to be given to the interests of Sony but, on the evidence available, I find myself unable to conclude that Sony, or any future operator of the recording studios, would be so disadvantaged by the appeal scheme as to justify withholding planning permission.

Other Material Considerations

39. Although I have not identified it as an issue, I consider the question of whether a Tesco store would remain if it could not expand into the proposed building to be a consideration material to my decision on the planning appeal. I heard third party representations at the Inquiry concerning the value attached by the local community to the service provided by the store. Those representations reflect a strong body of opinion in the area, suggesting that the interest of Tesco extends beyond simple commercial considerations. From evidence given by Tesco's representative at the Inquiry and from what I saw during my site visit, it is apparent that the size of the present store acts as a real constraint on the type and quality of service that can be provided.

40. With the above in mind and having regard also to recent planning permissions for food stores in Tottenham Court Road, I do not discount the possibility of Tesco reconsidering its Goodge Street operation if additional floorspace, of the amount sought, cannot be obtained. There can, of course, be no certainty that the provision of A1 floorspace as part of the proposed development would guarantee the future of Tesco in the area but the company's presence at the Inquiry is, in my opinion, a strong indicator of their intention to do so.
41. Similarly, there can be no certainty that any traffic regulation order made by the Council to give effect to the provision and enforcement of the on-street loading bay would be confirmed. That is a matter for others but, in that I have concluded that benefits would flow from the servicing arrangement underlying the appeal proposal, I would also expect these benefits to be weighed in the balance when deciding whether an order should be confirmed.
42. With regard to the architectural suitability of the building proposed for its particular location, no criticism has been levelled at the appellant's scheme in this respect and there has been no criticism from any other informed body of opinion. With the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in mind, I am satisfied that the appeal scheme has architectural merit and has the potential to enhance the character and appearance of the Charlotte Street Conservation Area.
43. The effect on the design and appearance of the development of an on-site service bay was examined at the Inquiry. I agree that it would be difficult to successfully introduce such a feature but I cannot accept that, by itself, as a reason for not providing off-street servicing, were circumstances to demand it.
44. As well as providing for the cost of making traffic regulation orders, the appellant's unilateral undertaking provides also, as previously mentioned, for footway resurfacing in order to reduce noise nuisance. Both these measures relate directly to the development proposed. They satisfy, in my opinion, the tests for planning obligations set out in DETR Circular 1/97. Linkage between the development and the funding of street improvements is less obvious but, given that the appeal site is within a conservation area and given also PPG15 encouragement for works designed to increase the attractiveness and prosperity of a conservation area, I am satisfied that Circular 1/97 tests are met.

Planning Conditions and Unilateral Undertaking

Planning Conditions

45. The Council's submitted details of conditions in respect of each proposal that were largely agreed by the parties. I have considered the need for conditions, and their effect, in the light of guidance provided by DETR Circular 11/95.
46. With regard to the planning permission, it will be necessary to restrict the times of deliveries in order to limit the potential for noise nuisance,. In deciding what is appropriate, I have had regard to the location of the appeal site, the noise climate of the area and what I consider might be the reasonable expectations of local residents. As the site is within an area where design considerations are important, Condition 3 provides for elevational details of the building and information on facing materials to be approved by the Council in advance of the development. The planning application provides no details of refuse storage. Condition 4 will require these. Conditions 5 and 6 are needed to control noise that might be generated by plant or equipment installed in the building.

47. With regard to the conservation area consent, Condition 1 will ensure that the existing building, and other structures on the site, are not demolished before redevelopment is to commence. This will avoid the possibility of an unsightly gap being left in the street frontage for an extended period. Condition 2 is necessary, in my opinion, to ensure the safe and orderly removal of material from the site and to limit any nuisance that might be caused.

Unilateral Undertaking

48. I have already commented on the provisions of the appellant's unilateral undertaking. In all other respects the executed undertaking appears to meet the requirements of Government guidance, as set out in Circular 1/97.

Conclusions

49. In summary, taking account of discretion provided for by planning policies and standards, I am satisfied that the servicing arrangements envisaged would not seriously conflict with UDP policy objectives or standards. Following from this, I conclude that the development proposed would not result in loss of amenity by local residents or by local businesses.
50. I further conclude that conservation area consent for demolition of existing buildings and structures on the site may be granted, subject to certainty that an approved scheme of development would be implemented. For the reasons given above and having regard to all other matters raised at the Inquiry and in writing, I conclude that both appeals should be allowed.

Formal Decisions

Planning Appeal

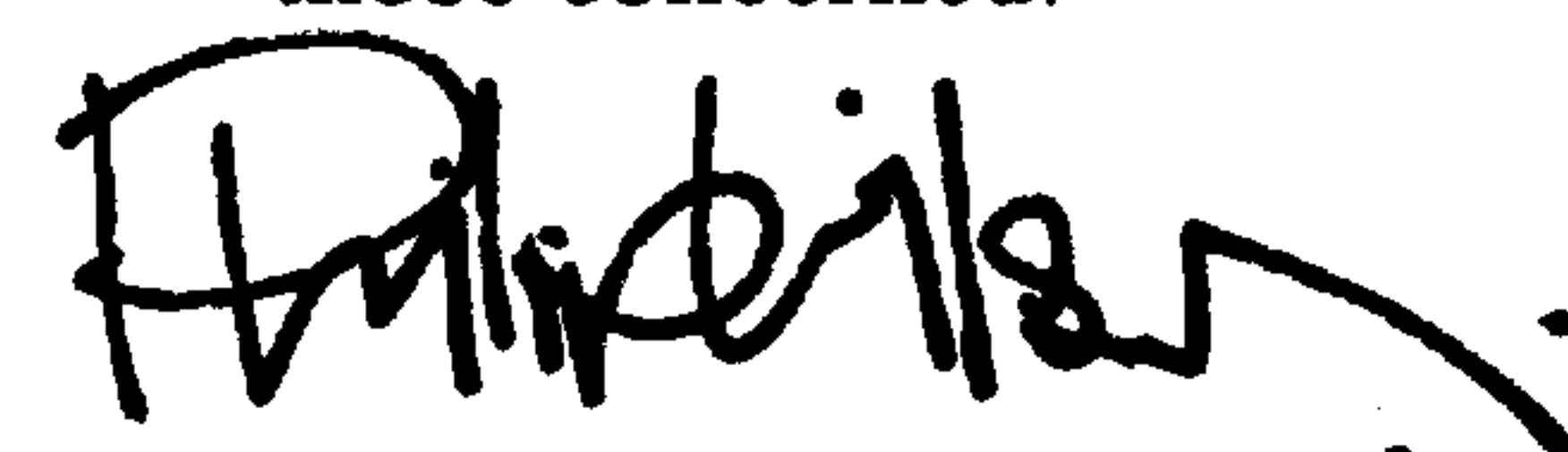
51. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for redevelopment of the site to provide (a) basement containing A1 ancillary storage and bakery, (b) ground floor A1 use and B1 entrance, (c) first to fourth floors B1 use at 32-42 Whitfield Street, London W1 in accordance with the terms of the application PS9805221R2 dated 7 December 2000 and the plans submitted therewith, subject to the conditions set out in the Schedule attached to this Decision.

Conservation Area Appeal

52. In exercise of the powers transferred to me, I allow the appeal and grant conservation area consent for demolition of all buildings and structures on land at 34-42 Whitfield Street, London W1 in accordance with the terms of the application No CSX0004831 dated 26 July 2000 and the plan submitted therewith, subject to the conditions set out in the Schedule attached to this Decision.

Information

53. Particulars of the right of appeal against these decisions to the High Court are enclosed for those concerned.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Elvin QC instructed by Berwin Leighton, Adelaide House, London Bridge, London EC4R 9HA

He called:

Philip Clarke Director – Tesco plc

Michael Bedwell CEng MICE FIHT MTPS Director – Boreham Consulting Engineers

John Dyke MA(Oxon) MA MRTPI FRGS Director – FPD Savills

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard Of Counsel – Instructed by Borough Solicitor, Camden London Borough Council

He called:

Adrian Bell BA(Hons) MRTPI Planning Officer

Neil McDonald BEng(Hons) MSc Senior Transport Planner

FOR SONY MUSIC ENTERTAINMENT (UK) LTD:

Trevor Blaney MSc LAMRTPI Partner – Lawrence Graham, Solicitors – 190 Strand, London WC2 1JN

He called:

Michael Palmer BSc CEng MICE MIHT DipTE Senior Partner – Palmer Associates

INTERESTED PERSONS:

Max Neufeld Charlotte Street Association - 1 Colville Place, London W1P 1HN
Peter Whyatt Chairman – Fitzrovia Neighbourhood Association - 39 Tottenham Street, London W1P 9PE
Mrs C Nicholls Flat 9, Hadfield House, 108 Great Titchfield Street, London W1W 6SN

DOCUMENTS

Document 1 List of persons present at the Inquiry.
Document 2 Council's letter of notification of the appeals and the Inquiry.

Document	3	Representations submitted in response to 2 above.
Document	4	Statement of Common Ground
Document	5	Appendix to Mr Clarke's proof
Document	6	Appendices 1-8 to Mr Bedwell's proof and supplementary proof
Document	7	Appendices to Mr Dyke's proof
Document	8	Appendices to Mr Bell and Mr McDonald's proofs
Document	9	Appendices to Mr Blaney's proof
Document	10	Appendices to Mr Neufeld's proof
Document	11	Bundle of correspondence concerning duplicate planning application
Document	12	Parking survey 13-14 December 2000, submitted by Mr Palmer
Document	13	Extract from IHT Guidelines 'Traffic Impact Assessment'
Document	14	Letter 22 November 2000 from Lawrence Graham to Berwin Leighton
Document	15	Letter from Berwin Leighton dated 10 December 2000 to Lawrence Graham
Document	16	Accident record Godge Street/Whitfield Street, submitted by Mr Palmer.
Document	17	Schedule of agreed planning conditions
Document	18	Section 106 Planning Obligation dated 20 December 2000
Document	19	Copies of third party representation on planning application
Document	20	Extract from FTA publication 'Designing for Deliveries'

PLANS

Plan	A	Set of planning application drawings 3387/P/01, 02, 03, 04A, 05A and 06A
Plan	B	Conservation area application drawing SP1

SCHEDULE OF CONDITIONS

Planning Permission - LPA Ref: PS9805221R2

1. The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
2. No delivery to that part of the building forming an extension of the A1 use occupying the ground floor and basement of 30-32 Whitfield Street, shall take place before 07.00 hrs or after 23.00 hrs Monday to Saturday, nor before 09.00 hrs or after 22.00 hrs on Sunday.
3. Details of the elevations of the building, drawn to a scale of not less than 1:100, and details - and if requested samples - of facing materials to be used on the exterior of the building shall be submitted to and approved in writing by the local planning authority before development commences; thereafter, the development shall not take place other than using the materials approved.
4. Before the development hereby approved commences, details of the method of refuse storage and waste removal shall be submitted to and approved by the local planning authority in writing; thereafter, no part of the building shall be occupied before the approved arrangements have been implemented and are available for use.
5. On completion of the development and at 1 metre outside the window of any neighbouring premises, the level of noise from any plant or machinery being operated within the site shall at all times be at least 5 decibels below the existing background noise level at such locations, expressed in dB(A); where noise from plant or machinery is tonal in character the difference shall be at least 10 dB(A).
6. Before the building is first occupied, all plant and machinery on or within the building shall be sound attenuated and isolated in accordance with a scheme to be submitted to and approved in writing by the local planning authority in order that there shall be no adverse effect on the amenity of the occupiers of other properties nearby.

Conservation Area Consent – LPA Ref: CSX0004831

1. The demolition hereby permitted shall not be undertaken before a contract for redeveloping the site has been made or before full planning permission has been granted for redevelopment for which the contract provides; evidence of a contract shall be submitted to the local planning authority and acknowledged in writing before any works of demolition commence.
2. Before any demolition works pursuant to this consent is commenced, a method statement shall be submitted to the local planning authority and approved in writing. Thereafter the works shall not proceed other than in accordance with the approved method statement.