No: BH2011/03743 Ward: WOODINGDEAN

App Type: Removal or Variation of Condition

Address: Woodingdean Business Park, Sea View Way, Brighton

Proposal: Application for variation of condition 25 of application

BH2011/00362 to allow HGV's (with the exception of articulated vehicles) to enter the site and service the units. Original permission BH2008/00955 (continuation of master plan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping)

(Amended description).

Officer: Aidan Thatcher, tel: 292265 Valid Date: 08/12/2011

**Con Area:** N/A **Expiry Date:** 08 March 2012

**Listed Building Grade**: N/A

Agent: N/A

**Applicant:** St Modwen Developments, 180 Great Portland Street, London

### 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

# Conditions

1. Prior to the commencement of development, details of measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM (or equivalent) rating shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

2. The development hereby approved shall be completed in strict accordance with the materials approved under application BH2011/02639 on 06.03.12 and thereafter retained as such.

**Reason**: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

3. The development hereby approved shall be completed in accordance with the landscaping details approved under application BH2011/02988 approved on 01.12.11 and be retained as such thereafter.

**Reason**: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.

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 development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason**: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.

5. The development hereby approved shall be carried out in strict accordance with the tree protection measures submitted under application BH2011/00736 and approved on 14.06.11. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason**: to protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton & Hove Local Plan.

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason**: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and Qd27 of the Brighton & Hove Local Plan.

7. The development hereby permitted shall be carried out in strict accordance with the cycle parking scheme submitted under application BH2011/00736 and approved on 14.06.11 and be retained as such thereafter.

**Reason**: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

8. The development hereby permitted shall be carried out in strict accordance with the boundary treatment submitted under application BH2011/02639 and approved on 06.03.12 and be retained as such thereafter.

**Reason**: To ensure adequate containment and treatment of the site boundaries in the interests of security and safety, to ensure an appropriate appearance and in the interests of the visual and other amenities of the area and neighbouring residential properties, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD7, QD27 and SU10.

9. The car and motorcycle parking spaces and loading areas shall be

permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of wheelchair user spaces, and thereafter shall be retained and used for such purposes only.

**Reason**: To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, in accordance with Brighton & Hove Local Plan policies TR1, TR18 and TR19.

10. The development hereby approved shall be completed in strict accordance with the contamination information submitted under application BH2011/02734 and approved on 08.12.11.

**Reason**: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters, and to ensure that the site investigations and remediation undertaken is sufficient to prevent pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

11. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

**Reason:** To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.

12. The development hereby approved shall be carried out in strict accordance with the scheme for the suitable treatment of all plant and machinery submitted under application BH2011/02734 approved on 08.12.11. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

**Reason**: In the interests of the living conditions of neighbouring properties in accordance with Brighton & Hove Local Plan policies SU9, SU10 and QD27.

13. The development hereby approved shall be carried out in strict accordance with the details as set out in the Travel Plan submitted under application BH2011/02639 and approved on 06.03.12. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

**Reason**: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

14. The development hereby approved shall be carried out in strict accordance with the Site Waste Management Plan submitted under application BH2011/00736 and approved on 14.06.11 and be retained as such thereafter.

**Reason**: To ensure that the development would include the re-use of limited recourses, to ensure that the amount of waste for landfill is reduced and to comply with policy SU13 of the Brighton & Hove Local

- Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 15. The development hereby approved shall be carried out in strict accordance with the external lighting and floodlighting details submitted under application BH2011/02734 and approved on 08.12.11 and be retained as such thereafter.
  - **Reason**: To ensure that the external lighting within the development does not result in detriment to neighbouring properties, in accordance with policies SU9, QD27, and NC8 of the Brighton & Hove Local Plan.
- 16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
  - **Reason**: To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.
- 17. During the course of development and construction, no works involving the use of plant or machinery shall be operated on the site except between the hours of 0700 and 1900 Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays. Subsequently, loading and unloading operations within the site shall accord with the above hours.
  - **Reason**: To safeguard the amenities of neighbouring residential properties, in accordance with policies SU10 and QD27of the Brighton & Hove Local Plan.
- 18. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.
  - **Reason**: To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.
- 19. No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.
  - **Reason**: To safeguard the visual amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 20. No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building but within the curtilage of the site without the prior permission of the Local Planning Authority.
  - **Reason**: To safeguard the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 21. Piling or any other foundation designs using penetrative methods shall

not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason**: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, pursuant to policy SU3 of the Brighton & Hove Local Plan.

22. The premises shall be used for B1 (b), B1 (c) and B8 uses and for no other purpose (including any other purposes in Class B1 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 ensure that the development is not used for B1 (a) uses unless these are ancillary to the main B1 (b), B1 (c) or B8 use of the development in order to comply with the development objectives for the overall site and to safeguard the amenities of the occupiers of nearby residential properties in accordance with policies EM1 and QD27 of the Brighton & Hove Local Plan.

23. Unless otherwise agreed in writing with the Local Planning Authority, there shall be no expansion of the units hereby approved to increase their size by combining the units within one another.

**Reason**: To ensure any Class B8 units remain for genuine small starter business occupiers only and to comply with policy EM1 of the Brighton & Hove Local plan.

24. There shall be no use of any of the units, either partially or wholly, as a trade counter.

**Reason**: To ensure any Class B8 units remain for genuine small starter business occupiers only and to comply with policy EM1 of the Brighton & Hove Local plan.

25. Articulated vehicles will not enter the phase 4 site except to complete a reversing manoeuvre.

**Reason:** To ensure that the servicing of the development complies with the requirements of policy EM7 of the Brighton & Hove Local Plan.

### Informatives:

- 1. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
  (Please see section 7 of the report for the full list): and
- (ii) for the following reasons:-

The proposal would not cause adverse harm to nearby residential properties or cause harm to the local highway network. As such, the proposal is considered to be in accordance with Local Plan policies.

# 2 THE SITE

The 0.37 hectare site is set within the south western corner of a larger 3.9 hectare commercial development site, located at the south east junction of the heavily trafficked Falmer Road and quieter Bexhill Road. The wider site is allocated under policy EM1 of the Brighton & Hove Local Plan for industrial/business uses and managed starter units and high technology uses.

This partly developed Business Park is located in a sensitive location on the periphery of the Woodingdean residential area, and neighbours the South Downs National Park (SDNP).

The overall site drops significantly down southwards, in a series of terraces created to accommodate an extensive bakery development, now fully demolished. The part of the estate to the immediate north remains vacant and has consent for B2/B8 buildings as part of phase 5, while to the east on the opposite side of the estate road is the second phase of development, which comprises a row of industrial buildings. An office building was developed in the north east corner of the site as the first phase and a double row of office buildings are situated further east along Bexhill Road (phase 3).

To the south, the site adjoins two storey residential development set at a lower level.

### 3 RELEVANT HISTORY

# Previous development

An extensive bakery complex was developed on former farmland on this 3.9 hectare property following planning permission in the early 1960's, with numerous applications having been made to extend and intensify, through to 1988.

## Original Outline Proposals (Whole Site)

**BH2002/00022/OA**: Renewal of the 1998 outline permission on the site was <u>approved</u> 25/07/02. This allowed vehicular access only via Bexhill Road and required the provision of an 8m wide landscaped buffer around the perimeter. **BH1998/01731/OA**: Outline permission was <u>granted</u> in 29/10/98 for the demolition of existing buildings on the site and the redevelopment of the site for B1 (b), B1 (c), B2 and ancillary B8 uses. All matters were reserved for later determination.

## Phase 1

**BH2004/02860/FP**: Variation of condition of 2002/03151, to allow for occupation of greater than 220sqm floorspace by one entity. This condition had been attached to ensure that the units would be available as starter units. This variation of the condition was approved 16/11/04.

**BH2002/03151/FP:** Variation of condition of the previously approved application (1999/02960/RM) to allow B1 (a) use of the building was approved 19/03/03.

BH1999/02960/RM: Approval of Reserved Matters for the erection of an 'L'

shaped two storey building with 1780 sqm of floorspace and 73 car parking spaces in the north west corner of the site. These details represented Phase 1 of the development and was approved 15/10/01.

# Phase 2

**BH2002/02611/RM:** Approval of Reserved Matters for the erection of 8 industrial units with a total of 2544sqm floorspace and 73 car parking spaces in the south eastern corner of the site. <u>Approved</u> 20/04/04.

Church Proposals

**BH2003/02979/RM**: Reserved matters pursuant to 1999/02996 for the erection of a church centre was approved 22/12/2003. The approval for a church on the site was not implemented and has expired.

**BH1999/02996/OA**: Outline application for the erection of a 1500sqm church. This application was <u>allowed at appeal</u> in 05/00.

# Phase 3

**BH2010/01454:** Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. <u>Approved</u> 23/08/2010.

**BH2007/01018:** Similar application for 16 units in total comprising 4134 sq m floorspace, <u>approved</u> 25/06/07, following consideration at Committee on 06/06/07, the applicants having addressed the earlier reasons for refusal.

**BH2006/03649:** Full application for the erection of 8 x 2 storey office buildings was <u>refused</u> 08/02/07, for reasons of unrelieved layout, lack of pedestrian route within the site, inadequate separation to the neighbouring property, provision for sustainable travel alternatives, wheelchair user car parking, cycle parking provision, sustainability measures, detail of contamination, refuse storage access, and security measures.

## Phase 4

**BH2011/03751:** Application for Approval of Details Reserved by Condition 39 of application BH2011/02290. <u>Approved</u> 03/02/2012.

**BH2011/02988:** Application for Approval of Details Reserved by Condition 3 of application BH2010/01923. Approved 01/12/2011.

**BH2011/02734:** Application for Approval of Details Reserved by Conditions 1, 10, 12 and 15 of application BH2010/01923. Split decision 08/12/2011.

**BH2011/02639:** Application for Approval of Details Reserved by Conditions 2, 8, 12, 13 and 21 of application BH2010/01923. Approved 06.03.2012.

**BH2011/00736:** Application for Approval of Details Reserved by Conditions 1, 3, 5, 7, 10, 14 and 15 of application BH2010/01923. <u>Split decision</u> 14/06/2011.

**BH2011/00362:** Application for removal of condition 25 of application BH2010/01923 (Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes)) which states that no more than 50% of the total floor space of the development shall be occupied by Class B8 users. Approved 10/05/2011.

BH2010/01923: Application for variation of condition 23 of BH2008/00955 to

allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes). Approved 08/09/2010.

**BH2008/00955**: Continuation of masterplan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping. <u>Approved</u> 13/08/2008 following consideration at Committee on 30/07/08.

## Phase 5

**BH2011/03529:** Non Material Amendment to BH2011/02290 to obtain approval to the appearance of the bergey 15m 10KW wind turbine on a galvanised ram mast as indicated on drawing BGY-15M-10KW - P001. Approved 15/12/2011.

**BH2011/03190:** Application for Approval of Details Reserved by Condition 14 of application BH2011/00255. <u>Approved</u> 12/01/2012.

**BH2011/02990:** Application for Approval of Details Reserved by Condition 26 of application BH2011/02290. <u>Approved</u> 01/12/2011.

**BH2011/02900:** Non Material Amendment to BH2011/00255 for the relocation of bin stores to West side of development site. <u>Approved</u> 24/10/2011.

**BH2011/02745:** Application for Approval of Details Reserved by Conditions 3, 4, 7, 9, 10 and 35 of application BH2011/02290. Split decision 02/12/2011.

**BH2011/02290:** Application for variation of condition 19 of BH2011/00255 (Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping) to amend the permitted wind speeds specified for the wind turbine. Approved 08/11/2011.

**BH2011/01260:** Display of externally illuminated monolith sign, externally illuminated fascia signs, non illuminated fascia signs and non illuminated information panel sign. <u>Approved</u> 15/07/2011.

**BH2011/00974:** Application for Approval Of Details Reserved by Condition 3, 5, 8, 10, 11, 14, 22, 27, 31, 33, 36, 37, 39 and 40 of Application BH2011/00255. Split decision 07/07/2011.

**BH2011/00255**: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. <u>Approved</u> 18/03/2011.

**BH2010/01454:** Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. <u>Approved</u> 23/08/2010.

### 4 THE APPLICATION

Planning permission is sought for the variation of condition 25 of application BH2011/00362. That condition states:

"The units hereby approved shall not be serviced by HGV's at any time. REASON: As the site is not of a suitable size for manoeuvrability of HGV vehicles and thus would cause a risk to highway safety and to comply with TR7 of the Brighton & Hove Local Plan"

The proposal is to allow HGV's to service the buildings but to exclude

articulated HGV's from that definition. The wording is as follows:

"Articulated vehicles will not enter the phase 4 site except to complete a reversing manoeuvre.

**Reason:** To ensure that the servicing of the development complies with the requirements of policy EM7 of the Brighton & Hove Local Plan. "

#### 5 CONSULTATIONS

#### External

Neighbours: 8 Letters of representation have been received from nos. 30 & 124 Crescent Drive South, 569, 574 & 576 (x2) Falmer Road, 198A Warren Road and NPS South East Ltd Castle House Sea View Way objecting to the application for the following reasons:

- HGV's will cause problems and increase accident risk as key junctions;
- Larger vehicles struggle to get up Sea View Way in colder weather;
- HGV's will block the access to Castle House car park;
- Concerns regarding increase safety risk;
- Increased risk to pedestrians of serious injury or death; and
- Increased noise and disturbance.

# Comments on amended application

2 letters of representation have been received from nos. 574 Falmer Road and 198A Warren Road objecting to the application for the following reasons:

- HGV's will cause problems, increase congestion and increase accident risk as key junctions; and
- Increased noise and disturbance.

#### Internal:

**Sustainable Transport:** In a letter supporting application BH2011/00362 dated 18 June 2010 the applicants advised that the proposed use would not be detrimental to the amenities of local residents, partly because the turning area and swept path available would be sufficient for a refuse vehicle but not a large articulated lorry. Condition 25 was adopted to ensure this in compliance with policy EM7. It is accepted that HGV use, away from the highway, would not give rise to road safety concerns.

The need for this condition has not reduced and the policies have not changed. It would be acceptable for HGVs parking elsewhere in the industrial estate to be used for deliveries to the application site as in this case no additional impact on residential amenity would arise. However if the proposal has now changed so as to allow HGV access to the site, this remains unacceptable and the application should be refused.

## Comments on amended application

No objection subject to a replacement condition confirming that articulated vehicles can not enter the site, save for to perform turning.

### 6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

# 7 RELEVANT POLICIES & GUIDANCE

## Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD27	Protection of Amenity
EM1	Identified employment sites (industry and business)

# Supplementary Planning Guidance Documents:

SPGBH 4 Parking Standards

### 8 CONSIDERATIONS

The main considerations in the determination of this application relate to highway and amenity issues.

### Highway issues

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR7 confirms that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused.

The condition was imposed at the request of the Sustainable Transport Team.

The wording of the condition lacks clarity, as the condition relates to a small part of the business park (i.e. Phase 4). This excludes Sea View Way. HGV's can and do access Sea View Way and can be unloaded on that road

to service these units.

The applicant considers the current wording of the condition to be unreasonable as it was not attached to (BH2008/00955) consent and came about on a later permission.

The Local Planning Authority has explained that with the changing nature of the development there is a duty to consider impact. In this instance as the use moved towards a greater percentage of B8 (Warehousing) so the need to assess the types of vehicle servicing the units arose.

Whilst there is a restriction on the amalgamation of these small units (which could ensure that HGV servicing is not necessary) there were valid concerns at the time that application was considered, combined with the material change in circumstances which led to the imposition of the condition. As such the condition was and is considered to be reasonable.

The applicant has provided information detailing that servicing from HGV's is possible, without causing any undue risk to highway safety. This is because manoeuvrability can be obtained utilising the service road within the business park (Sea View Way) thus enabling entry and egress to the public highway (Bexhill Road) in a forward gear. A set of plans have been submitted that detail how the manoeuvrability would take place.

It is also worth noting that should HGV's undertake servicing from the access road of the business park, they would still need to turn, most likely by backing into the phase 4 development to exit from the site (or another phase of the site). As such it is likely that if HGV's are required, then reversing to turn to enable exit from the site would be required. This is a similar situation to that which occurs for the Phase 2 development.

The applicant has stated that the condition is restricting the marketing potential of the units, as future occupiers wish to have the flexibility to have deliveries by HGV's if and when they are required.

The original comments from the Sustainable Transport Team are noted, objecting to the removal of the condition on amenity grounds.

This has led to a change in the application, from removing the condition to varying it. The proposed variation would read as detailed above. This would ensure that the largest articulated vehicles would not be able to enter the site, where as smaller HGV's (such as refuse lorries) would be able to enter and exit the site, and service the units.

The Sustainable Transport Team has no objections to the variation as has been negotiated with the applicant.

A number of objections have been received from members of the public

regarding the use of HGV's to service the units, however these relate to the principle of HGV's within the Woodingdean area, which is not restricted by the condition (only the use of HGV's within the red line area of the Phase 4 site itself) and as such cannot be given any material planning weight in the determination of this application.

# **Amenity issues**

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

A number of objections have been received from the owners of nearby and adjoining residential properties in relation to increased noise and disturbance from the potential loading and unloading of HGV's.

It is noted that this was not included within the reason for imposing the condition.

The site has consent for industrial use, which involves the use of machinery and the loading/unloading of vehicles. As such, an element of noise and disturbance is to be expected when living in close proximity to an industrial site. Measures have been taken to ensure noise and disturbance is minimised on these occupiers as part of the original consent, through acoustic screening along the shared boundary with residential properties.

It is not considered that the use of HGV (with the exception of articulated vehicles) would cause any material additional impact on noise and disturbance to these occupiers than there would be from other goods vehicles.

### 9 CONCLUSION

The application seeks consent for the variation of a condition restricting servicing to the site by HGV's. The proposed variation would restrict articulated vehicles entering the site, save for to enable turning. As such the proposed condition would not cause any undue impact on highway safety, and there would be no additional impact on residential amenity.

### 10 EQUALITIES IMPLICATIONS

None.

