

<b>Reference:</b>	20/00801/AMDT	
<b>Application Type:</b>	Minor Amendment	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	Application to vary condition 11 (Refuse collection hours) to allow commercial refuse collection and the deliveries for the development; shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00 hours to 23:00 hours on Sundays (Minor Material Amendment of planning permission 18/01963/FULM dated 9.1.2019)	
<b>Address:</b>	200 Priory Crescent, Southend-On-Sea, Essex	
<b>Applicant:</b>	Aldi Foodstores Ltd	
<b>Agent:</b>	Mr William Rogers of Planning Potential	
<b>Consultation Expiry:</b>	22nd July 2020	
<b>Expiry Date:</b>	17th September 2020	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	<b>2238-CHE-006 Rev. C, 2238-CHE-100, Covering Letter ref 3592D, Environmental Noise Assessment Sharps Redmore dated 15<sup>th</sup> May 2020, ref: 1817955</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is on the northern side of Priory Crescent. Planning permission was granted under reference 18/01963/FULM to erect a retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent. The development is currently under construction. To the west of the site a Hospice has recently been constructed. To the rear of the site is a new residential development. To the east of the site is Prittle Brook, the railway lines and the Saxon King Public House and its car park. Opposite the site is Priory Park. The site was previously used for industrial purposes.
- 1.2 The site is allocated for employment purposes in the Development Management Document's Proposals Map. There is an area of high-risk flood zone (flood zone 3) on the eastern side of the site. To the south of the site in Priory Park is the Grade I Listed and Ancient Scheduled Monument Prittlewell Priory.

## 2 The Proposal

- 2.1 Planning permission was granted under reference 18/01963/FULM to erect a retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent, subject to 24 planning conditions.

### 2.2 Condition 11

*Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays.*

*Reason: In order to protect the amenities of surrounding occupiers and to protect the character of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Development (2015).*

- 2.3 The application seeks to vary Condition 11 to enable commercial refuse collections and deliveries to the development from 06:00 hours on Saturdays, whilst also deleting the reference to Bank Holidays

- 2.4 The application seeks to amend the wording of condition 11 to:

*'Commercial refuse collection and deliveries shall not take place outside 06:00 hours to 23:00 hours Monday to Saturday and 07:00 to 23:00 on Sundays'*

- 2.5 The background and justification for the proposal, as submitted includes; *'A key part of Aldi's offer is fresh goods, which are typically delivered to the store for same day sales. From Aldi's experience, deliveries are typically unloaded 2 hours before opening, which allows for stock to be fully unloaded and shelves stocked. This also provides a slight allowance for any delays experienced on route to the store. As part of Aldi's efficient operations, the lorry will also often take waste bundles at this time. This window is absolutely crucial, as if the delivery has not been fully unloaded, the store will not be fully stocked and will be losing trade.'*

*The current restriction would not allow for this to happen.’ The applicant also states ‘In additional enabling flexibility and minimising impact, the variation will also help secure more sustainable development patterns. By increasing the morning delivery window to 0600 on Saturdays and Bank Holidays, it would enable more than one store to be serviced by the same lorry, thus considerably reducing road miles and vehicular emissions. Furthermore, roads will typically have less traffic before 0700, meaning deliveries can be undertaken much more efficiently and reduces time when a lorry may otherwise sit idly in traffic.’*

### **3 Relevant Planning History**

- 3.1 18/01963/FULM - Erect retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent – Planning permission granted.
- 3.2 18/01732/RSE – Erect food store with associated car parking, servicing, landscaping and associated works (request for a screening opinion) – not EIA development.
- 3.3 20/00531/ADV - Install various signage comprising of 3 internally illuminated single faced Aldi logo signs, 1 x Aldi vinyl welcome sign and 1 x Aldi logo vinyl, 2 x Vinyl Graphic Signs fixed to external wall of Store, 3 x Vinyl Graphic Signs on outside surface of glazing and a double-faced Internally Illuminated Totem sign at Entrance/Exit to Store – Advertisement Consent Granted
- 3.4 19/01782/AD - Application for approval of details pursuant to conditions 03 (samples of materials for external surfaces), 12 (SUDS), 13 (Contamination Report), 14 (Archaeological Report), 16 (Construction Method Statement), 18 (Protected Species and Habitats Surveys), 22 (details of right hand turn lane and access arrangements) of planning permission 18/01963 FULM dated 09.01.2019 – Granted

### **4 Representation Summary**

#### **4.1 Public Consultation**

49 neighbouring properties were consulted, the application was advertised in the press and 2 site notices were displayed. 2 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Concerns relating to noise impacts of deliveries on flats on the Ecko Estate and Havens Hospice.
- Objector suggests amended hours of 8am to 8pm Monday to Sunday.

*Officer comment: In response to one of the objector’s proposed hours, it should be noted that planning permission has already been granted, subject to a condition restricting commercial refuse collection and deliveries from 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays.*

*Officer comment: The concerns raised have been considered in the determination of the application but are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.*

## 4.2 Member Call in

The application has been referred to the Development Control Committee by Cllr Walker with the following comment provided:

*Bearing in mind that this Application site is immediately adjacent to the new Fair Havens site I do not think that allowing collection of refuse either very early or equally very late would be a good idea.*

## 4.3 Highways Team

No objections.

## 4.4 Environmental Health

Environmental Health require actual measurements to ascertain that noise disturbance/disturbance from deliveries at 6am does not impact on nearby residents in terms of sleep. This can be controlled with a planning condition requiring a validation survey to be carried out after one month of opening.

## 5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 Vehicle Crossing Policy & Application Guidance (2014)

5.6 CIL Charging Schedule (2015)

## 6 Planning Considerations

6.1 Given the nature of the proposal, which seeks to alter the commercial refuse collection and delivery times only, the main considerations in relation to this application are residential amenity considerations and any highway implications. The principle of the development remains acceptable, there are no design changes and no subsequent impact on the character and appearance of the site or the wider surrounding area or the setting of nearby heritage assets. There are no material alterations in terms of flood risk, environmental protection, ecology, biodiversity or trees.

## 7 Appraisal

### Impact on Residential Amenity

- 7.1 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*
- 7.2 Paragraph 80 of the NPPF states *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.’*
- 7.3 Paragraph 180 of the NPPF states *‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...’*
- 7.4 Given the nature of the proposal, which does not seek to alter the size or position of the store, it is considered that the proposal would not result in any material harm to the residential amenity of nearby and adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook, overlooking and loss of privacy or overshadowing over and above the extant permission. However, given the nature of the proposal, the development has the potential to result in noise and disturbance.
- 7.5 The covering letter states *‘Unlike other supermarkets, Aldi does not have a service yard, but instead use a level dock delivery process where vehicles reverse up to the loading bay located at the side of the store. Goods are then wheeled in cages directly off the lorry into the warehouse, without the use of a tailgate or any lifting equipment. This process allows any noise resulting from deliveries to be minimised.... In support of this application, a noise report has been submitted...This demonstrates that the potential impacts from these proposals are acceptable and would not result in adverse impact on amenity.’*
- 7.6 The submitted Environmental Noise Assessment states, in relation to the original application (reference 18/01963/FUL), that the Environmental Noise Assessment submitted previously for that application concluded *‘that noise from deliveries between 0600 and 2300 hours (Monday to Friday) and from 0600 – 2300 hours (Saturday, Sunday and Bank Holidays) would not be out of character or cause significant adverse harm to local residents...’* The report goes on to explain that noise measurements were undertaken in 2018 prior to the flats to the rear being completed. Now the residential development to the rear has been completed, further noise measurements have been undertaken in support of this current application to amend condition 11.

A further survey was undertaken on Saturday 21<sup>st</sup> March 2020 with measurements taken directly in front of the apartments at Princess House a minimum of some 40m to the rear which are the nearest noise sensitive properties to the loading bay.

- 7.7 The submitted Environmental Noise Assessment states *‘Existing ambient noise levels were similar to those measured in 2018 but background noise levels were approx. 5dB higher. This is partly due to new noise sources in the area including the fixed plant which serves the new care home close to the residential apartments.’*
- 7.8 The report goes on to states that *‘...goods will be received using a level docking system. In terms of noise the following measurements are relevant:*
- *All goods are delivered on pallets. There is no noise from empty cages being reloaded into the back yard.*
  - *Aldi vehicle trailers are rigid rather than curtained.*
  - *Goods are loaded directly into the warehouse, there is no movement of goods outside within the service bay.*
- 7.9 The submitted report goes on to state *‘Whilst the peak noise levels from vehicles arriving will exceed the night time maximum, L Amax, noise levels, this should be put into the following context:*
- *The WHO “Community Noise”, contains advice that the probability of being awakened increases with the number of noise events per night, with 10-15 events at that level being required for the sleep disturbance threshold to be exceeded. The number of deliveries that will be received during the period 0600 – 0700 hours on a Saturday would be very low, typically one.*
  - *The guideline values are to be applied as the Lowest Observable Adverse Effect Level, i.e. the lowest levels of noise that affect health (i.e. disturb sleep), they are not (as defined by the NPSE) the upper limits for significant adverse effects. Exceedance of that guideline value is not indicative that individual vehicles are likely to be noticeable and/or cause disturbance to any significant degree.*
  - *...maximum noise levels between 0600 – 0700 hours regularly exceed 60 dB. Maximum noise levels from deliveries would therefore not be out of character with the existing noise climate. This point was recognised in the Appeal decision to vary the delivery hours at the existing Aldi store in Westcliff-on-Sea.*
- 7.10 The submitted report goes on to state that it is also necessary to consider how the predicted noise levels compare to the existing noise climate, and notes that the Planning Inspector recognised this when considering the appeal at the Aldi store in Westcliff-on-Sea (appeal reference APP/D1590/W/14/3001589). It is stated *‘Predicted noise levels from delivery activity will be below the existing ambient noise levels, the resultant change in noise levels will be 1dB which will have a negligible impact on local residents. Maximum noise levels, L Amax, will also be below those measured during the survey.’* The report also recognises the mitigation that has been designed into the residential units to the rear, including acoustic trickle vents to enable cooling and ventilation when the windows are closed. The submitted report therefore concludes that *‘...deliveries could take place on a Saturday between 0600 and 0700 hours without causing significant adverse impacts to local residents in line with policy aims of the NPPF.’*

It is also stated that noise from delivery activity can be reduced further by means of a Delivery Management Plan (DMP) which can include measures such as not using vehicle reversing alarms when the store is closed, switching off refrigeration units when vehicles are stationary, not moving goods on pallets in open areas and delivery scheduling to ensure that no more than one delivery vehicle is present in the service yard. It is stated that the implementation of such a DMP would mean, in practice that the number of delivery vehicles that could be received during the additional hour sought would only be one.

- 7.11 The appeal referred to within the submitted Environmental Noise Assessment relates to the Aldi store at 666-686 London Road, Westcliff. The appeal was allowed and permitted delivery hours of 06:00 to 00:00 Mondays to Saturdays and 08:00 to 17:00 on Sundays and Bank Holidays. In that case residential properties backed directly onto the western and southern boundaries of that car park and the noise assessment submitted in that case found that the proposed extension of delivery hours would exceed the World Health Organisation guidelines but would be imperceptible. In that case, the nearest dwelling was some 46m from the service yard and an acoustic fence was provided. The Inspector concluded *'I am not persuaded that deliveries during the proposed hours would give rise to individual noise events whose character or infrequent nature would be significantly different from existing background noise levels. Consequently, I find that the proposal would not have a harmful effect on the living conditions of neighbouring residential occupiers by reason of noise and disturbance.'*
- 7.12 The Council's Environmental Health Team have raised no objection to the proposal, subject to a condition requiring a validation survey is carried out one month after the store has opened to ascertain actual noise measurements.
- 7.13 As such, given the findings and conclusions of the submitted report, given the comments received from Environmental Health, given the separation distances provided between the proposed loading bay and the Hospice to the west and the neighbours to the north (a minimum of some 40m), and attaching significant weight to the basis of the recent appeal decision at the Aldi in Westcliff, it is considered that, subject to conditions, including the requirement for adherence to the Delivery Management Plan, the proposal would not result in material harm to the amenity of nearby and adjoining residents in terms of undue noise and disturbance.
- 7.14 Subject to conditions, the development is acceptable and policy compliant in the above regards and it is recommended that Condition 11 is amended to:

*Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00hours to 23:00hours on Sundays.*

*Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).*

## **Traffic and Transportation Issues**

- 7.15 Policy DM15 of the Development Management Document states *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'*
- 7.16 The proposal seeks permission to allow deliveries and refuse collection an hour earlier on Saturdays and bank holidays; from 6am rather than 7am. Given that this would fall outside peak hours on these days and given that the Highways Team have raised no objection to the proposal, it is considered that the proposal would not result in any material harm to highway safety. The proposal does not seek to alter or impact upon the parking or access arrangement previously approved.
- 7.17 The development is acceptable and policy compliant in the above regards.

## **Community Infrastructure Levy (CIL)**

- 7.18 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The CIL rate for this development is £12.04 per sqm. The proposed development would therefore equate to a CIL charge of approximately £21,681.27 (subject to confirmation).

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, and attaching significant weight to the findings of the inspector when allowing a similar development at the Aldi Westcliff site it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant policies and guidance. The proposed amendment would, subject to conditions, have an acceptable impact on the amenities of neighbouring occupiers and would have no adverse highway implications. The application is therefore recommended for approval, subject to conditions.

## **9 Recommendation**

- 9.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin no later than 9 January 2022, three years from the date planning permission 18/01963/FULM was granted.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**



- 02** The development shall be carried out in accordance with the approved plans: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.

**Reason:** To ensure the development is carried out in accordance with the development plan.

- 03** The development hereby approved shall be constructed in accordance with the material details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD or any other materials which have previously been submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04** The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any shrubs or trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 05** The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of customers and staff of the development.

**Reason:** To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 06** Notwithstanding the details shown on the plans hereby approved the development shall not be brought into first use unless and until details of a minimum of 10 secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided and made available for use for occupiers of the development in full accordance with the approved plans.

**The approved facility shall be permanently maintained thereafter.**

**Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).**

- 07 The development shall be undertaken and thereafter occupied and maintained in perpetuity in accordance with the waste and recycling management strategy reference 2238-CHE dated 08.10.18. or any other waste management strategy that has previously been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).**

- 08 No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

**Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities and to ensure an appropriate design response in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).**

- 09 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

**Reason: In the interest of biodiversity and the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first use of any part of the development. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).**

- 11 Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00hours to 23:00hours on Sundays.**

**Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 12 The development hereby approved shall be constructed in accordance with the surface water drainage works and Sustainable Urban Drainage (SuDS) details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other surface water drainage work details which have previously been submitted to and approved in writing by the local planning authority.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

- 13 The development hereby approved shall be constructed in accordance with the contamination details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).**

- 14 The development hereby approved shall be constructed in accordance with the programme of archaeological recording and analysis previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**  
**Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction off any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).**

- 15 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).**

- 16 The development hereby approved shall be constructed in accordance with the Construction Method Statement submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other Construction Management Plan which has previously been submitted to and approved in writing by the local planning authority.**

**Reason: This commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 17 Notwithstanding information submitted with this application the development shall not be brought into first use unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 18 The development hereby approved shall be undertaken in accordance with the findings and recommendations of the protected species and habitats surveys for bats, badgers and reptiles previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 19 Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 20 The development shall be undertaken in accordance with the Arboricultural assessment and method statement undertaken by Barrell Tree Consultancy reference 18311-AA-AN dated 28<sup>th</sup> September 2018.**

**Reason: To safeguard the existing nearby trees in the interests of the character and appearance of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

- 21 Notwithstanding the information submitted with this application, the development shall not be first used unless and until a deliveries management plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken and operated in strict accordance with the approved management plan in perpetuity.**

**Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).**

- 22 The development hereby approved shall be constructed in accordance with the details of the right hand turn lane and amended access details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.**

**Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).**

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with, or without modification, no extensions or works to provide additional floorspace shall be carried out at the development hereby approved falling within Schedule 2, Part 7 Class A of that Order.**

**Reason:** To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 24** Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990) as amended, no mezzanine floorspace shall be erected within the approved development unless express planning permission for such works has been previously granted.

**Reason:** To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 25** Notwithstanding the information submitted and otherwise hereby approved, within one month after the opening of the store to the public, a Noise Impact Assessment and Validation Survey, including any additional noise mitigation measures proposed shall be carried out which shall include an assessment of the noise levels from delivery/refuse collection vehicles between the hours of 06:00 – 07:00 on Saturdays and public holidays. The Noise Impact Assessment and Validation Survey shall be submitted to the Local Planning Authority and approved in writing within 4 months of the store first opening. The development shall subsequently be managed in full accordance with the approved Noise Impact Assessment and Validation Survey. In the event that the Noise Impact Assessment and Validation Survey are not approved by the Local Planning Authority within 4 months of the store opening commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays, overriding the provisions of condition 11 of this permission, until such times as the Local Planning Authority has approved a Noise Impact Assessment and Validation Survey submitted in accordance with the terms of this condition.

**Reason:** In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

**Informatives:**

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03** You are advised that separate advertisement consent will be required for the advertisements shown on the approved plans and the granting of planning permission in this case does not permit the advertisements shown on the plans for which separate advertisement consent is required.
- 04** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.