

ITEM NO. 8**COMMITTEE DATE:****25 JULY 2016**

APPLICATION NO: 16/0559/03 Removal of condition
APPLICANT: Aldi Stores Ltd
PROPOSAL: Section 73 application to remove condition 14 (limitation on delivery hours) of planning permission ref 14/2083/03 granted on 30th June 2015.
LOCATION: Land to the south of Exeter Road (ALDI), Exeter Road, Topsham, Exeter, EX3
REGISTRATION DATE: 03/05/2016
EXPIRY DATE: 30/07/2016

HISTORY OF SITE

14/2083/03 -	The erection of Class A1 foodstore (1,635 sq m gross) with associated access, car parking and landscaping, and other associated works.	PER	30/06/2015
15/0960/37 -	Amendment to approved consent comprising addition of a small entrance lobby to the building (2.8m by 6.4m) and minor associated changes to shopping trolley storage and parking provision. (Non-Material Minor Amendment to Planning Permission ref No. 14/2083/03 granted 30th June 2015).	PER	14/09/2015
15/1094/37 -	Amendment to approved consent comprising incorporation of 3 additional car parking spaces to replace those lost as a result of the inclusion of the entrance lobby. (Non-material Minor Amendment to Planning Permission ref No. 14/2083/03 granted 30th June 2015).	PER	19/10/2015

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 0.62 hectare parcel of land situated on the south side of Exeter Road sandwiched between the park homes at Newport Park (to the west) and the motorway embankment (to the east). There is an existing stone wall forming the northern boundary of the site with Exeter Road, whilst the embankment between the site and the motorway contains a number trees that will be unaffected by the development. To the south lies an existing residential property.

Permission was recently granted for the erection of a Class A1 food store with a gross floor area of 1635m² together with associated access, car parking (98 spaces) and landscaping. The store building will be located parallel to the eastern boundary with servicing to the rear.

The permission is subject to a condition (no. 14) limiting delivery hours to between 07.00 and 23.00hrs Monday to Saturday, and 09.00 and 18.00hrs Sundays/Bank Holidays. The applicant has now submitted a Section 73 application seeking the removal of this condition, and hence any restriction on delivery times.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by an Environmental Noise Impact Assessment which appraises the site location, background noise levels, sources of delivery noise, relevant policy, delivery noise assessments and standards.

The report concludes as follows: -

8 Conclusion

8.1 Summary of Report

8.1.1 Background Noise Measurements

The background noise levels were recorded at an equivalent position over a 72-hour period at a position close to the M5 motorway and used to calculate the background noise levels at assessment position 1 (Bungalow retreat on the south boundary) and assessment position 2 (Dwelling on middle of western boundary).

Position	Maximum Level	Average Level	Background Level
Background Measurement Position	LAMax, 15 minutes 80 dB	LAeq, 15 minutes 58 dB	LA90, 15 minutes 47 dB
Assessment Position 1 (South)	LAMax, 15 minutes 72 dB	LAeq, 15 minutes 52 dB	LA90, 15 minutes 41 dB
Assessment Position 2 (West)	LAMax, 15 minutes 74 dB	LAeq, 15 minutes 54 dB	LA90, 15 minutes 43 dB
Representative 24-hour Level		Sound Pressure Level – Reference 2 x 10-5 Nm-2	

8.1.2 Criterion

Delivery Noise at Assessment Position	Maximum Level	Average Level
ISO 1996-1:2016 Criterion (-10 dB)	LAMax, 15 minutes 67 dB	LAeq, 15 minutes 52 dB
BS 4142: 2014 Criterion (+0 dB)	--	LAeq, 15 minutes 41 dB
CIEH – Clay Pigeon Shooting	LAMax SNL 55 dB.	--

8.1.3 Resultant Noise Levels from 24-hour Deliveries

Assessment Position	Maximum Level	Average Level
Position 1 – Southern Boundary	LAMax, 15 minutes 51 dB	LAeq, 15 minutes 36 dB
Position 2 – Western Boundary	LAMax, 15 minutes 52 dB	LAeq, 15 minutes 38 dB

8.1.4 Mitigation Measures

It will be necessary to install a 1.8m timber fence with a surface density of 8 Kgm-2 is installed around development on the north west and south west boundary.

8.2 Conclusions

The resultant noise levels will not cause a significant adverse impact and therefore in accordance with paragraph 14 of the NPPF the benefits of delivering 24 hours per day outweigh any demonstrable and significant adverse impacts in terms of noise. It would therefore be recommended that condition 14 of planning permission 14/2083/03 is removed to allow 24 hour deliveries to the site. For reference it is very unlikely that the delivery noise will be audible within any nearby dwelling including the mobile type dwellings on the western boundary."

REPRESENTATIONS

14 objections to the removal of the condition restricting delivery hours have been received (including representation from the Topsham Society and Topsham Community Association) raising the following:-

- No information provided on delivery routes - LGV movements through Topsham between 23:00 and 07:00 would be highly disruptive to residents of High St and Station Road
- No consideration in Noise Assessment of impact of deliveries via Topsham High St on properties there
- Conclusions based on high background noise levels generated by proximity of motorway - not so relevant when assessing impact in relation to wider locality
- Topsham Society - can see no change in circumstances that would justify removing a condition that was imposed in the interests of residential amenity
- Disruption to traffic and noise pollution at night would make life in locality miserable
- 24 hr delivery seriously disturb residents living in First Avenue/Newport Park (many of whom are elderly and some of whom are in poor health)
- Lightweight construction nature of Newport Park mobile homes - question whether any allowance for this in assessment conclusions regarding impact
- Potentially adds to disturbance caused by on-going development in the locality
- Current restrictions important in limiting impact of a store in this location
- Potential adverse impact outweighs potential customer/business benefits
- Question mark over perceived benefits arising from unrestricted deliveries

CONSULTATIONS

Environmental Health - Following further clarification, including the submission of a revised Noise Impact Assessment makes the following comments -

"The assessment shows that the noise from deliveries will not be significant when compared to existing noise from road traffic. That does not mean that it will definitely not be audible at nearby properties, but that it will not be a dominant part of the sound scape.

As with all noise assessments submitted for planning purposes, the conclusions are based on predicted levels calculated using measurements or data from similar activities. As such it is of course possible that actual noise levels will be higher than predicted, but the method used for the predictions appears sound.

The noise management plan proposed would allow members greater certainty that the actual activities once they commence will be well managed, and therefore more likely to achieve the predicted noise levels.

If some restriction on delivery times were to remain, as suggested in the Planning Potential document, this would give further reassurance that neighbours would not be disturbed during the most sensitive times of the night."

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
National Planning Policy Framework
National Planning Policy Guidance
Noise Policy Statement for England (NPSE) March 2010

Exeter Local Development Framework Core Strategy
Core Strategy Objectives
CP1 - The Spatial Approach
CP8 - Retail

CP9 - Transport
CP10 - Meeting Community Needs
CP11 - Pollution and Air Quality
CP12 - Flood Risk
CP14 - Renewable and Low Carbon Energy in New Development
CP15 - Sustainable Construction
CP16 - Green Infrastructure
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011
AP1 - Design and Location of Development
AP2 - Sequential Approach
S1 - Retail Proposals/Sequential Approach
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T9 - Access to Buildings by People with Disabilities
T10 - Car Parking Standards
C5 - Archaeology
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designations
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development

Exeter City Council Supplementary Planning Document

Planning Obligations SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD
Newcourt Masterplan
Draft Development Delivery DPD

OBSERVATIONS

The applicants have stated on the application form that the reason behind the application to remove the condition restricting delivery hours is because "A flexible system of stock management and distribution is required at the store." This is expanded upon in the agent's accompanying letter as follows -

"Given the change in the pattern of retailing over time and the desire for customers to purchase fresh produce with maximum product life, a flexible system of stock management and distribution is required. The sheer volume of stock that the store will handle means ALDI needs to be as efficient as possible at restocking when the store is at its quietest. This is to enable the store to provide the best service and shopping environment to its customers." It has also been stated removal of the restriction on delivery hours would reduce the impact of deliveries on the local transport network.

The removal of the restriction on delivery hours raises one principle issue, and that is what effect would the proposed removal of the condition have on the amenity of nearby residential properties, and whether any effect arising from potential deliveries during night-time hours would be so adverse as to outweigh the benefit of the proposal.

In respect of considering noise in relation to development paragraph 123 of the NPPF states.....

"Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;....."

Given the location of the development and the nature of surrounding properties, the condition restricting delivery hours was imposed in the interests of protecting the residential amenity of the occupants of properties in the local vicinity of the proposed retail store. This was considered to be an approach consistent with the advice above and was the subject of significant discussion between officer and the applicant's agent prior to the decision being issued.

The current application to remove the condition restricting delivery hours is accompanied by a technical Noise Impact Assessment that examines existing background noise conditions in the locality, the likely noise generation associated with unrestricted deliveries and then draws conclusions on the likelihood of any impact on amenity in the locality and its severity.

In terms of determining this application an appraisal of the severity of any impact on amenity arising from unrestricted deliveries is critical to a robust decision. It is not a question of merely concluding that there would be some noise associated with night time deliveries and thereby refusing the application to remove the condition. Once the likely noise levels arising from night time deliveries have been established and analysed in the context of existing noise levels in the locality a judgement has to be reached about the severity of any impact identified.

In this context Para 14 of the NPPF is relevant to the determination of the application and states:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

The applicant suggests that more flexible delivery arrangements would make the development more sustainable. Therefore, in order to be defensible in the event of an appeal, any decision to refuse the request to remove the restriction on delivery hours would need to be reached on the basis that the Council could clearly and demonstrably demonstrate that (a) there was a significant adverse impact likely to arise from unrestricted deliveries, and that (b) this would significantly outweigh any benefits from allowing unrestricted delivery hours. It is possible that the Council would need to commission independent advice from a noise consultant in this respect.

The submitted Noise Assessment concludes that provided a 2.4 metre high timber fence of appropriate construction is erected along the side of the delivery bay the resultant noise levels associated with deliveries would not cause a significant adverse amenity impact largely due to the existing constant and high background noise levels generated by the proximity of the elevated M5 motorway. If alterations to the delivery hours restriction were to be approved a condition would be required ensuring that the necessary fence to the delivery bay is erected.

Given the technical nature of the Noise Assessment the applicant was been requested to expand upon the analysis of the significance of any impact with reference to the advice contained in the Noise Policy Statement for England with regard to 'health and quality of life'. This has now been incorporated in the revised Noise Assessment and the conclusion is that unrestricted delivery hours would not cause a significant adverse impact. Clarification was also requested that the Noise assessment took into consideration the nature of the construction of the adjoining properties i.e. mobile park homes. The revised Noise Assessment now incorporates the following comment in section 7.5 -

"The assessments are based on the noise levels at the façade of the properties and therefore the construction of the property will not materially change the assessment. The transmission of noise from discrete events such as delivery noise will be predominantly through the windows and trickle vents of a property and therefore the construction of the walls will not adversely affect the internal noise levels."

The applicant has also expanded upon the perceived benefits of unrestricted delivery hours and the nature of delivery procedures at Aldi stores stating -

"1.7. ALDI is seeking the removal of the restriction on delivery hours at the approved store to allow greater flexibility for when deliveries can take place. Removing the delivery restriction will reduce any impact of deliveries on the local transport network. Furthermore, flexibility will increase the effectivity of delivery management to the store. This is discussed in further detail below.

1.8. As approved under planning permission 14/2083/03, deliveries can only take place between 7am and 11pm Monday to Saturday, and between 9am and 6pm Sundays and bank holidays. This requires delivery vehicles to often travel to and from the site at peak travel times on weekday mornings and evenings, and throughout weekends. By allowing ALDI greater flexibility to undertake deliveries at times when there is a reduced amount of road traffic, ALDI can reduce any impact on the local road network surrounding Topsham and Exeter.

1.9. Delivery times between ALDI stores are co-ordinated as precisely as possible. However, either road congestion at these peak times or a previous delivery over-running could currently result in a delivery vehicle arriving at the store too late to make a delivery. This would result in vehicles having to wait near the site until the next permitted delivery time, or to make a repeat trip; increasing the number of deliveries the next day.

1.10. Therefore, if the delivery restrictions are removed ALDI can ensure that delivery vehicles are at no time waiting to unload. This would have a beneficial impact on road safety on the surrounding road network, as well as for the amenity of the surrounding residents at Newport Park.

1.11. ALDI delivery operations are not intrusive, and therefore the removal of the restriction on delivery hours would not have an adverse impact on the amenity of the residents at Newport Park.

1.12. Delivery vehicles reverse directly into the store service dock. Once in place, the loading dock seals around the vehicle. This creates an intentional and effective acoustic barrier between the unloading process and adjacent premises.

1.13. Once the vehicle is in place, the delivery vehicle engine and refrigeration equipment is switched off, and the delivery driver enters the store and unloads the produce. Therefore, the entire delivery process takes place within the warehouse with no external disturbance.

1.14. ALDI do not use roll cages at any stage to transport goods from the delivery vehicle to the store. Pallets are used to unload goods from the vehicle into the warehouse within the

store building, which ensures that unloading is undertaken with maximum efficiency, and no noise implications.

1.15. *The removal of the current delivery restriction would also ensure that deliveries and the stocking of shelves can take place when the store is at its quietest. Deliveries would be in store and ready to transfer to the sales area when the morning shift starts, prior to the opening of the store. On this basis, deliveries and restocking would have minimal impact for customers."*

The applicant considers that the removal of the delivery hours restriction has been sufficiently justified, is acceptable, and would not cause harm to surrounding residents or the local area and that therefore the request to remove the restriction on delivery hours should be granted. However, notwithstanding this position, given Member/officer concerns, the level of public representation and further negotiations the applicant has indicated a compromise position that would be acceptable comprising an extension of the permitted delivery hours, coupled with implementation of an agreed Delivery/Noise Management Plan. The Delivery/Noise Management Plan would be secured by an appropriate condition. Currently condition (no. 14) limits delivery hours to between 07.00 and 23.00hrs Monday to Saturday, and 09.00 and 18.00hrs Sundays/Bank Holidays and the suggested compromise to complete de-restriction is to limit delivery hours to between 06.00 and 00.00 Monday to Saturday, and 08.00 and 20.00 on Sundays.

Delegation Briefing (05/07/16)

Members noted the level of representation, and the technical nature of the submitted Noise Impact Assessment. Notwithstanding the conclusions of that document Members expressed concern about the potential impact upon residential amenity in the locality, particularly in relation to the immediately adjoining Park Homes. In light of further clarification being required regarding potential impact and the conclusions of the noise assessment it was acknowledge the application would be reported to Planning Committee for determination.

Conclusions

Whilst the conclusions of the submitted Noise Assessment are noted it has to be borne in mind that they are based on predicted levels calculated using measurements or data from similar activities. Whilst the method for prediction is considered sound it is possible that on this particular site actual noise levels once the store is operational could be higher than those predicted. Therefore, adopting a precautionary approach it is considered sensible to try the extended delivery hours for a temporary 12 month period to establish that the predicted levels are actually achieved and that therefore there is no significant adverse impact on amenity before agreeing to them permanently. With the extended hours there would still be a quiet window of no deliveries covering the most sensitive times of the night and this, coupled with a Delivery/Noise Management Plan covering the detailed management of the actual delivery activities, is considered an appropriate way of mitigating any potential impact. On this basis an extension to the previously approved delivery hours is considered acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than 30th June 2018.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16th September 2014, 7th October 2014 and 27th March 2015 (*dwg. nos. 130447 P(1)01, 130447 P(1)02, 130447 P(1)03 Rev A, 130447 P(0)05, 130447 P(1)06,*

130447 P(1)08, and 130447 P(1)09), as modified by other conditions of this consent and Non-material Minor Amendment applications reference nos 15/0960/37 and 15/1094/37 .

Reason: In order to ensure compliance with the approved drawings.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 7) No part of the development hereby approved shall be brought into its intended use until footways on the south side of Exeter Road connecting the site vehicular access to the nearest bus stops to the west and east of the site, as indicated on Drawing No. 130447 P(1)03 Rev A, have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide a safe and suitable access for pedestrian and cyclists, in accordance with Paragraph 32 of the NPPF.
- 8) No part of the development hereby approved shall be brought into its intended use

until the vehicular access, including provision of a feature to provide pedestrian/cycle priority across the access, and internal footpath along the eastern boundary to the store entrance have been provided, surfaced and marked out in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

Reason: To provide a safe and suitable access to the site, in accordance with Paragraph 32 of the NPPF.

- 9) No part of the development hereby approved shall be occupied until the onsite cycle parking facilities, car parking facilities, footways and car park layout shall be provided in accordance Drawing No. 130447 P(1)03 Rev A and retained for those purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 10) C57 - Archaeological Recording

- 11) A detailed site Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority in advance of occupation of the development and a review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and on an annual basis thereafter, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 12) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: To ensure the satisfactory drainage of the development.

- 13) Air conditioning plant associated with the development shall only run between the hours of 07.00 to 23.00 and noise from refrigeration and air conditioning plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 29 dB (23.00 to 07.00) and 41 dB (07.00 to 23.00) when measured at any noise sensitive receptor.

Reason: In the interests of the residential amenity of the occupants of nearby properties.

- 14) For a period of 12 months from the opening of the store deliveries associated with the development hereby approved shall only take place between 06.00hrs - 00.00hrs Monday to Saturday, and 08.00hrs - 20.00hrs on Sundays. During this period the store operator should maintain a log of the dates and times of deliveries to the store to assist in the subsequent appraisal of the impact upon residential amenity in the locality. Thereafter, unless otherwise agreed in writing by the Local Planning Authority following the expiry of the 12 month period, deliveries associated with the development should revert to the previously approved hours under condition 14 of planning approval reference 14/2083/03, namely between 07.00hrs - 23.00hrs Monday to Saturday, and 09.00hrs - 18.00hrs on Sundays and bank holidays.

Reason: To allow the impact of extended delivery hours on residential amenity in the locality of the store to be assessed over a 12 month with a view to permanent approval of the extended delivery hours in the event that no significant adverse amenity impact is established over the trial period.

- 15) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 16) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason: In the interest of the environment of the site and surrounding areas.
- 17) Unless it is demonstrated in writing prior to the commencement of the development, to the satisfaction of the Local Planning Authority, that it is unviable or impracticable to do so the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 18) Prior to the commencement of the development hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife, has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 19) The net retail floor space of the store hereby approved shall be limited to 1140m². No more than 20% of the net retail floor space of the store hereby approved shall be devoted to the sale and display of comparison goods.
Reason: In the interests of protecting the vitality and viability of the existing city centre, district and local centres.
- 20) Prior to the commencement of the development hereby approved a detailed scheme of mitigation in relation to the slow worm population identified as present on the site

shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved scheme of mitigation.

Reason: To ensure that the impact of the development on the protected species present on the site is appropriately mitigated.

- 21) Unless otherwise agreed in writing by the Local Planning Authority the store hereby approved shall be operated in accordance with the provisions and recommendations set out in the submitted Noise Impact Assessment prepared by KR Associates (UK) Ltd dated December 2014 and subsequent version dated 12th July 2016.

Reason: In the interests of the residential amenity of the occupants of properties in the local vicinity.

- 22) Prior to the store hereby approved being brought into use a Noise/Delivery Management Plan relating to delivery operations associated with the store shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter deliveries to the store shall be carried out in accordance with the approved delivery hours and the provisions of the approved Noise/Delivery Management Plan.

Reason: To ensure that deliveries in the store are carried out in accordance with agreed management practices aimed at minimising the potential for adverse impacts on the residential amenities of the occupants of surrounding dwellings.

- 23) Prior to the store hereby approved being brought into use a 2.4 metre high acoustic barrier with a minimum surface density of 8Kgm-2 shall be erected along the length of the service bay to the south west of the store. Thereafter the said acoustic barrier shall be retained in situ at all times.

Reason: To mitigate the potential for noise disturbance associated with deliveries to the store in the interests of protecting the residential amenity of the occupants of surrounding properties.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223