

## SUGGESTED DRAFT CONDITIONS

Should the Inspector be minded to allow the appeal and grant planning permission, it is suggested that the following conditions are imposed:

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this notice.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and the following approved drawings:

2924-COR-111K Proposed Site Plan  
2924-COR-112B Proposed Ground Floor Plan  
2924-COR-113A Proposed Mezz Floor Plan  
2924-COR-114A Proposed Elevations  
2924-VL-L01B Proposed Landscaping Plan

Reason - To ensure the development is carried out as permitted.

3. Deliveries to the food store shall be restricted to the hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 21:00 on Sundays.

Reason - To protect the amenities of the occupiers of neighbouring properties and the locality in accordance with Policy EQ4 of the Local Plan 2018 - 2033 (adopted June 2020).

4. Prior to the food store becoming operational, full details of plant/refrigeration/air conditioning units and their location shall be submitted and approved in writing by the Local Planning Authority. Such details shall demonstrate that the plant rating level at the nearest residential façades, the rear of houses on Ruthven Avenue, when assessed using the method described in BS 4142:2014 + A1:2019, is no more than 5dBA above the pre-existing background sound levels of 47dB LA90 15min during the daytime period (07:00 to 23:00 hrs) and 42 dB LA90 15min during the night-time period (23:00 to 07:00 hrs), as established in Noise Solutions Limited report reference 89442/NIA. Any plant/refrigeration/air conditioning units shall then be installed prior to the food store becoming operational, in accordance with the approved details and subsequently maintained thereafter.

Reason - To protect the amenities of the occupiers of neighbouring properties and the locality in accordance with Policy EQ4 of the Local Plan 2018 - 2033 (adopted June 2020).

5. Prior to first use of the food store, additional plans must be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of the revised vehicle access, as shown indicatively

on drawing number 19094-SK220608.3. This work shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first use of the food store.

Reason: To ensure the provision of an access and footway appropriate for the development in the interests of highway safety, convenience, and sustainable/accessible travel.

6. Prior to first use of the food store, additional plans must be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of the pedestrian accesses into the site, and a widened 3 metre footway along the north eastern corner of the site, as shown indicatively on drawing number 2924-COR-111 rev K. Other than the widened 3-metre section, these plans shall additionally show a continuous minimum footway width of 2 metres along the entire site frontage of Sturlas Way. These works shall be undertaken to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first use of the food store.

Reason: In the interests of sustainable and accessible travel, in line with paragraphs 110-112 of the NPPF, HCC's LTP4 and Policies TM1 and TM3 of the Local Plan 2018 - 2033 (adopted June 2020).

7. Prior to first use of the food store, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of raised Kassel kerbing at the closest southbound bus stop along High Street. This work shall be fully completed before first use of the food store.

Reason: So that all users of the development can conveniently, safely and sustainably access the closest bus stops/routes to the development, in compliance with paragraphs 110 to 112 of the NPPF, policy 1 of HCC's LTP4 and Policy TM1 of the Local Plan 2018 - 2033 (adopted June 2020).

8. Prior to use of the food store hereby approved, all on-site vehicular areas shall be accessible, surfaced and marked so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. These works will be implemented prior to the food store becoming operational and maintained as such thereafter.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises

9. No development shall commence until a Parking, Delivery, Servicing & Emergency Vehicle Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to illustrate how vehicle and cycle parking, servicing, deliveries, and emergency vehicle access associated with the development will be safely and suitably operated and managed. The plan will also

include details of the maximum duration of stay for customer vehicles and the means of enforcement. The Plan must be implemented and adhered to in full once the food store hereby approved becomes operational.

Reason: To ensure all vehicles accessing and using the site do so safely and conveniently, causing no conflict with other vehicles or site users.

10. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The CEMP shall include details of:

- a) The phasing of construction and proposed construction programme.
- b) The methods for accessing the site, including wider construction vehicle routing.
- c) The numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- d) The hours of operation and construction vehicle movements.
- e) details of any highway works necessary to enable construction to take place.
- f) Details of construction vehicle parking, turning and loading/unloading arrangements and storage compounds.
- g) Details of any hoardings and security.
- h) Details of how the safety of existing public highway users and existing public right of way users will be maintained.
- i) Management of traffic to reduce congestion.
- j) control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- k) Details of construction noise mitigation measures
- l) The provision for addressing any abnormal wear and tear to the highway.
- m) The details of consultation with local businesses or neighbours.
- n) The details of any other Construction Sites in the local area.
- o) Waste management proposals.
- p) Signage
- q) Post construction restoration/reinstatement of the working areas.

Reason – To minimise danger and inconvenience to highway users and to safeguard the amenities of neighbouring residential amenity.

11. Prior to first use of the food store hereby approved, a revised Travel Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented once the foodstore becomes operational and annually reviewed thereafter.

Reason – To encourage the use of sustainable transport methods in accordance with the NPPF.

12. The applicants and/or their successors in title shall ensure that no construction or construction deliveries shall take place outside the hours of 8.00am-6.00pm Monday-

Friday and 8.00am-1.00pm Saturday. No such construction deliveries or work shall take place on Sunday, Statutory or Bank/Public Holidays.

Reason – To preserve the amenities of the occupiers of the neighbouring properties.

13. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

#### **Phase 2-Site Investigation**

A site investigation scheme, including soil sampling based on the Land Contamination Phase 1 Environmental Site Assessment”, Ref: B1299-Doc-01, Revision XI, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include a survey of the extent, scale and nature of contamination, an appraisal of remedial options, and a proposal of the preferred option(s). Site investigations should be carried out in conjunction with BS10175:2011 +A2:2017 Investigation of potentially contaminated sites - Code of practice.

#### **Remediation Strategy**

A detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **Verification/Validation Report**

Following completion of measures identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before first use of the development. The verification report must also identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components requires the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. In the event contamination is found at any time when carrying out the approved development, which was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning

Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. Prior to the refurbishment of the existing structure, a preliminary asbestos survey shall be carried out and the survey results report submitted to the Local Planning Authority for approval. In the event that Asbestos is identified, a method statement detailing the procedures for removal shall also be submitted for approval. The works shall then be carried out in accordance with the approved statement.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. No development approved by this planning permission shall take place until a revised detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme is to be in compliance with the SuDS Design Guidance for Hertfordshire March 2015 and should include:

1. Clarification of car park proposals.
2. Details of existing drainage on site.
3. Justification of SuDS selection.

The scheme shall be fully implemented prior to the food store hereby approved coming into operation and subsequently maintained as such.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

17. Prior to commencement of works above ground level, details for the electric vehicle charging point installations shall be provided to the Local Planning Authority for approval. The installations shall be provided prior to use of the food store and retained thereafter in accordance with the approved details.

Reason – To provide appropriate facilities for electric vehicles in accordance with Policy TM4 of the Broxbourne Local Plan 2018 – 2033.

18. The development hereby permitted shall be carried out and completed in accordance with the mitigation and enhancement measures set out within the submitted 'Ecological

Assessment Report' (Section 4) carried out by Tyler Grange (ref. 13452\_R02a\_RB-HM) dated 8th April 2021.

Reason - To minimise harm to biodiversity in accordance with Policies NEB1 and NEB4 of the Broxbourne Local Plan 2018 – 2033 and the NPPF.