TOWN AND COUNTRY PLANNING ACT (as amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

Dated: 26th June 2012
Application no: 12/00620/OUTM

To:
Mr S McGrath
Indigo Planning
Swan Court
11 Worpole Road
London
SW19 4JS

Proposal:
APPLICATION FOR REMOVAL OF CONDITION 03 (AMOUNT OF CAR PARKING), CONDITION 20 (UNITS 1 AND 2 TO BE USED AS A3/A4/D1 USES ONLY) AND CONDITION 40 (MAXIMUM FLOORSPACE RESTRICTED TO 10,113SQM GROSS) OF PLANNING PERMISSION 07/01111/OUT DATED 24/06/11, SITE AT PROSPECTS, FAIRFAX DRIVE, 299,301,341-365,1-37 ST. MARY'S COURT, ROOTS HALL, VICTORIA AVENUE

Location:
ROOTS HALL STADIUM AND SHOPS AND FLATS VICTORIA AVENUE
SOUTHEND-ON-SEA ESSEX

Applicant: Sainsbury's Supermarket Ltd

Southend-on-Sea Borough Council, as the Local Planning Authority, having considered the application described above and specified in the application received on 26th April 2012 has reached the following decision:
Grant Conditional Permission

subject to the following conditions:

01 An application for approval of the reserved matters (layout, scale, appearance and landscaping) shall be made to the local planning authority not later than 3 years beginning with the date of this permission. The development hereby permitted shall be begun not later than whichever is the later of the following dates:
   a) the expiration of 5 years beginning with the date of this permission;
   b) the expiration of 2 years beginning with the approval of the last reserved matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

02 No development shall take place until samples of the materials to be used on all the external elevations, on any screen/boundary walls and fences and surfacing materials have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

03 No dwelling shall be occupied until 1 parking space per dwelling has been provided on within garages or on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers and visitors to the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

04 Prior to first occupation of the retail or commercial development cycle parking spaces shall be provided within secure covered parking stores, the number and details of which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, Borough Local Plan 1994 policy T13, and SPD1 (Design and Townscape Guide).

05 Prior to first occupation of the residential development 1 cycle parking space shall be provided for each dwelling within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the Local Planning Authority. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers and visitors to the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, Borough Local Plan 1994 policy T13, and SPD1 (Design and Townscape Guide).

06 Prior to first occupation of the retail or commercial development motor cycle parking spaces shall be provided within secure covered parking stores, the detail and number of which shall have previously been submitted to and agreed by the Local Planning Authority. The agreed motor cycle parking spaces shall be permanently retained for the motor cycle parking of occupiers, staff and visitors to the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient and satisfactory motor cycle parking is available to meet the needs of occupiers and users of the development in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).
07 Prior to first occupation of the residential development motor cycle parking spaces shall be provided within secure covered parking stores, the number and details of which shall have previously been submitted to and agreed by the Local Planning Authority. The agreed motor cycle parking spaces shall be permanently retained for the motor cycle parking of occupiers, staff and visitors to the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient and satisfactory motor cycle parking is available to meet the needs of occupiers and users of the development in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

08 The retail and commercial development shall not be occupied until service vehicle turning and loading/unloading areas have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with details which shall have been submitted to and approved by the local planning authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is satisfactorily serviced and in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, and Borough Local Plan 1994 policy T8, T12 and C11.

09 The turning/loading area provided in relation to condition 08 shall be permanently reserved for the loading and unloading of vehicles calling at the premises and not used for any other purpose.

Reason: To ensure that the development is satisfactorily serviced and in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and CP3, and Borough Local Plan 1994 policy T8, T12 and C11.

10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2 Part 24 Class A and Part 25 Classes A and B to those Orders.

Reason: In the interests of visual amenity and to protect the character of the surrounding area, in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) 1995 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Part 1 Schedule 2 Classes A, B, C, D, or E to those Orders.

Reason: In the interests of visual amenity, the amenities of existing and future residents and to protect the character of the surrounding area, in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy H5 and C11, and SPD1 (Design and Townscape Guide).

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
12 Before any development commences details of existing and proposed levels on the land and in relation to adjoining land shall be submitted to and approved by the local planning authority. The development shall be constructed at the level indicated on the approved drawings.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy C4, C11, and H5

13 The residential development shall not commence until details of boundary walls and/or fences for the residential units have been submitted to and approved by the local planning authority, such walls and/or fences to be erected concurrently with the construction of the dwellings they abut. The walls and/or fences shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, the amenities of existing and future residents and to protect the character of the surrounding area, in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy H5 and C11, and SPD1 (Design and Townscape Guide).

14 The commercial and retail development shall not commence until details of boundary treatment for the commercial units have been submitted to and approved by the local planning authority, such boundary treatment shall be erected concurrently with the construction of the buildings they abut. The boundary treatment shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, the amenities of existing and future residents and to protect the character of the surrounding area in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy E5, H5 and C11, and SPD1 (Design and Townscape Guide).

15 Details of the proposed acoustic barrier fence and wall shall be submitted concurrently with the application for reserved matters. The commercial and retail shall not be occupied until an acoustic barrier fence and wall has been erected in accordance with the approved details and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, the amenities of existing and future residents and to protect the character of the surrounding area in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy E5, H5 and C11, and SPD1 (Design and Townscape Guide).

16 No development shall be commenced until: a) site investigation has been undertaken to determine the nature and extent of any contamination, and b) the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development): a) the approved

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), b) a certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

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 ; East of England Plan 2008 policy ENV7 and WAT4; and DPD1 (Core Strategy) 2007 policy KP2.

17 Prior to first occupation of the development all redundant vehicular crossovers shall be closed.


18 The existing access to Shakespeare Drive shall be used for pedestrian and emergency vehicular access only.


19 Prior to commencement of development details of gates leading to service yard shall be submitted to and agreed by the Local Planning Authority. The gates shall be installed prior to first occupation of the development and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety and in order to protect the character of the area in accordance with East of England Plan 2008 policy ENV7 and T8, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy C11 and T8.

20 Prior to the commencement of development a detailed drainage scheme for the provision and implementation of surface water drainage, incorporating details of foul and surface water drainage and sustainable drainage principles as identified on drawing 10121/DS-1 Rev C, shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall be constructed and completed in accordance with the approved plans prior to occupancy of any part of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure surface and/or foul water is adequately managed in the interests of flood prevention and pollution control, in accordance with East of England Plan 2008 policy SS1 and WAT4, DPD1 (Core Strategy) 2007 policy KP2.

21 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how unsuspected contamination should be dealt with.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
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 East of England Plan 2008 policy ENV7 and WAT4; and DPD1 (Core Strategy) 2007 policy KP2.

22 Prior to commencement of development of the Petrol Filling Station a scheme for the provision and implementation of pollution control shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

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 East of England Plan 2008 policy ENV7 and WAT4; and DPD1 (Core Strategy) 2007 policy KP2.

23 No surface water run-off from impermeable vehicle areas shall be discharged to any surface water sewer unless it has first passed through a petrol/oil/grit facility designed and constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with East of England Plan 2008 policy SS1 and WAT4, DPD1 (Core Strategy) 2007 policy KP2.

24 No development shall take place until details of surface water attenuation for the site have been submitted to and approved by the Local Planning Authority.

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with East of England Plan 2008 policy SS1 and WAT4, DPD1 (Core Strategy) 2007 policy KP2.

25 Prior to first occupation of any part of the development details of all external lighting and floodlighting (including details of design, siting, direction and screening of the lighting source) for each implemented phase of the development, including hours of illumination shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting visible from outside the site shall be installed within any part of the site without the prior approval of the Local Planning Authority.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy H5 and C11, and SPD1 (Design and Townscape Guide).

26 No development or preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
Continuation of Decision Notice for 12/00620/OUTM

Reason: To allow for the excavation and recording of any information of archaeological importance, and to avoid damage to archaeological remains on site as set out in East of England Plan 2008 policy ENV6, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C1, and SPD1 (Design and Townscape Guide).

27 Prior to first occupation of the development details of waste management and collection for the development shall be submitted to and approved by the Local Planning Authority, the strategy shall also detail how the development will proved for the collection of re usable and recyclable waste and waste management for the site and shall include details of the external appearance of any structures to be used for waste storage or recycling. The development shall be carried out in accordance with the approved details and operated in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4.

28 No external storage of goods, packaging, waste or other by-products/detritus shall take place within the site other than in agreed storage containers and facilities.

Reason: In order to ensure adequate and appropriate storage of waste resulting from the development and in the interests of visual amenity in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

29 A detailed noise assessment and noise control scheme for the protection of residential amenity against noise from the service station forecourt, the supermarket car park and the service yard together with details of mitigation measures shall be submitted with any subsequent Reserved Matters application and implemented in full accordance with the approved details.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

30 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment or other plant shall be installed until details of its design, siting, screening, discharge points and predicted acoustic performance together with details of noise attenuation, have been submitted to and approved by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

31 Prior to commencement of development a renewable energy assessment will be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from on site renewable options.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
(and/or decentralised renewable or low carbon energy sources.) The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with East of England Plan 2008 policy SS1, ENV7, ENG1, WAT1 and WAT4, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

32 Prior to commencement of development an archaeological assessment and evaluation (including any necessary mitigation measures and a photographic survey) of the site shall be undertaken, the parameters and location of which shall have been previously agreed with the Local Planning Authority, any identified mitigation works shall be carried out in accordance with the details of the assessment unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow for the excavation and recording of any information of archaeological importance, and to avoid damage to archaeological remains on site as set out in East of England Plan 2008 policy ENV6, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C1, and SPD1 (Design and Townscape Guide).

33 Prior to first occupation or operation of the retail store details of proposed hours of opening shall be submitted to and agreed by the Local Planning Authority, the store shall only be open for business in accordance with the agreed hours of opening unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenities of surrounding residents in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and E5.

34 Prior to first operation of the petrol filling station, including the car wash, proposed hours of opening shall be submitted to and agreed by the Local Planning Authority, the petrol filling station shall only be open for business in accordance with the agreed hours of opening unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenities of surrounding residents in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and E5.

35 Prior to first occupation or operation of the retail store details of proposed hours of servicing and deliveries and hours of operation of the service yard shall be submitted to and agreed by the Local Planning Authority, the store shall only be operated in accordance with the agreed hours of servicing and deliveries unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenities of surrounding residents in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and E5.

36 Prior to first operation of the petrol filling station proposed hours of servicing and deliveries shall be submitted to and agreed by the Local Planning Authority, the petrol filling station shall only be operated in accordance with the agreed hours of servicing.
and deliveries and operation of the service yard unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenities of surrounding residents in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and E5.

37 A full bat survey should be carried out prior to commencement of development in accordance with a timetable to be agreed with the Local Planning Authority. This survey should be undertaken by a licensed surveyor with access to buildings with potential to harbour bat roosts. The survey should include details of any necessary mitigation measures (including a timetable for mitigation) required to protect any bats within the site and the mitigation measures shall be fully implemented in accordance the approved details to an approved timetable.

Reason: In order to protect any bats within the site, to make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, in accordance with East of England Plan policy SS1, ENV1 and ENV3, and DPD1 (Core Strategy) 2007 policy KP2 and CP4.

38 Prior to commencement of development a detailed and dimensioned drawing of the traffic island shown on drawing number 72949/7 submitted on 1st December 2008 shall be submitted to and approved by the Local Planning Authority.


Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

REASON FOR APPROVAL:

01. This permission has been granted having regard to East of England Plan 2008 policy SS1, SS5, SS6, E1, E3, E5, E6, H1, H2, T4, T9, T14, ENG1, ENG2, ENV7, WAT4, WM6, ETG4, ETG5, ETG6; DPD1 (Core Strategy) policy KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6, CP7, CP8; Borough Local Plan 1994 policy C1, C2 , C4, C7, C11, C13 , C14, C15; E5 , H5 , H7, E1, E4, E5, S1, S5, S9, R1, R2, U1, U2 , T1, T2, T8, T11, T12, T13, T14; and SPD1 (Design and Townscape Guide) and SPD2 (Planning Obligations) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.

PLEASE NOTE

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
01 Any culverts or works affecting the flow of a watercourse requires the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid the use of culverts and consent for such works will not normally be granted, except as a means of access.

02 A permit may be required for activities involving waste materials e.g. a waste management licence or an exemption registered. The applicant is advised to produce a site waste management plan. The plan should assist the application in determining if a permit is required.

03 Above ground storage of more than 200 litres of oil should comply with the Control of Pollution (Oil Storage) (England) Regulations 2001

04 Under the Hazardous Waste (England and Wales) Regulations 2005, waste removed from oil separators will need to be consigned from the site as a hazardous waste. The site will also need to be registered as a site of hazardous as a site of hazardous waste production by obtaining a Hazardous Waste premises code from the Environment Agency. This will also apply to hazardous waste produced during the clearance groundwork and construction phases etc

05 This permission does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences requires as described in Part IVB of the Circular 06/2005

06 Anglian Water will need to assess the availability and adequacy of the existing sewerage system to cater for the proposed developments. The applicant is therefore advised to discuss their proposals directly with Anglian Water and to this end contact should be made in writing to "Developer Services, Anglian Water Services Limited PO Box 495 Huntingdon PE29 6YY"

07 The foul drainage from this development can be accommodated within the existing public foul sewer in Fairfax Drive

08 The surface water drainage form this site can be accommodated within the existing public surface water sewers crossing and adjacent to the site, draining to Fairfax Drive subject to limiting discharge equivalent to the Greenfield run off rate in a 1in1 year storm event. No surface water will be permitted to discharge into the foul system.

09 It is noted that two 225mm diameter public foul sewers and a 300mm diameter public surface water sewer cross the site. In order to safeguard the pipeline and any further maintenance needs it will be necessary to reserve a strip extending 3m each side of the centreline which must be free of buildings, trees or any other obstructions which might impede access. The sewers should where possible be located in adoptable highway of public open space.

10 Anglian Water will need to approve the method and point of connection to the public and surface water sewers

11 Any artificial lighting provided to external areas shall be designed, sited and directed and screened so as not to cause detrimental intrusion of light into nearby residential properties

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
12. Should noise vibration or odour give rise to statutory nuisance, the Council is required to secure the abatement of nuisance under the provisions of the Environmental Protection Act 1990.

13. Adequate means of ventilation will be needed to the underground car parking areas. Mechanical plant acoustic details would need to be submitted for approval.

14. The rating level of noise from mechanical plant shall be at least 5dB below background noise as determined using BS 4142.

15. The traffic island shown on drawing number 72949/7 submitted on 1st December 2008 should generally be constructed utilising Trief Cadet (or similar) kerbs and there should be a pedestrian route through the island at grade from north to south.

16. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a replacement stadium, drafting of a Joint Development Brief for the Sainsbury’s London Road site, replacement housing block, affordable housing provision, Travel Plan, parking controls, Waste Management Plan, highway works, and contributions towards education, open space, CCTV, pedestrian & cycle facilities, air quality monitoring, parking monitoring, East St/West Street improvements, public realm improvements and public art.

17. In relation to Condition 18 you are advised to contact Highways Engineer – Martin Warren (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

Andrew Meddle
Head of Planning and Transport

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES
1. **Conditional Planning Permission**

(a) An applicant aggrieved by the decision of the Borough Council to grant permission, approval of reserved matters or listed building consent, subject to conditions may APPEAL to the Secretary of State for Communities and Local Government in accordance with Section 78(1) of the Town and Country Planning Act 1990 WITHIN SIX MONTHS OF THE DATE OF THIS NOTICE (12 WEEKS FOR HOUSEHOLDER APPEALS). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Council otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. He/she does not in practice refuse to entertain appeals solely because the decision of the Council was based on a direction given by him/her.

(b) If permission, approval or listed building consent is granted subject to conditions whether by the Council or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he or she may serve on the Council a PURCHASE NOTICE or LISTED BUILDING PURCHASE NOTICE requiring the Council to purchase his or her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or Sections 32 to 37 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

(c) In certain circumstances a claim may be made against the Council for COMPENSATION where permission, approval or listed building consent is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and Section 27 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

NB. Where consent is given to demolish all or part of a listed building the applicant’s attention is drawn to Section 8 of The Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the Council) until notice of the proposal has been given to the Royal Commission on Historic Monuments, National Monuments Record Office, Kemble Drive, Swindon, Wilts SN2 2GZ and the Commission have subsequently been given reasonable access to the building for at least one month following the grant of consent or have stated that they have completed their record of the building or that they do not wish to record it.

**APPEALS MUST BE MADE IN WRITING TO THE SECRETARY OF STATE VIA THE PLANNING INSPECTORATE.**

**Forms are available from:**
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL BS1 6PN
Telephone: 0117 372 8000
www.planning-inspectorate.gov.uk

You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.
Along with the appeal forms, appellants must send to the Secretary of State (and a set to the Council) copies of:

(i) the application made to the Council
(ii) all relevant plans, drawings, particulars and documents submitted with the application including any certificate of ownership
(iii) the notice of decision
(iv) all other relevant documents and correspondence with the Borough Council.

WARNING
THIS PERMISSION, CONSENT OR CERTIFICATE IS VALID ONLY FOR THE PURPOSE SPECIFIED BEFORE ACTING ON IT YOU ARE ADVISED TO CHECK THAT ANY SEPARATE CONSENT REQUIRED, PARTICULARLY UNDER THE BUILDING REGULATIONS, HAS BEEN OBTAINED IN ADDITION IF ANY PROPERTY INVOLVED IS A LISTED BUILDING OR WITHIN A CONSERVATION AREA THEN SEPARATE LISTED BUILDING CONSENT, OR CONSERVATION AREA CONSENT, AND PLANNING PERMISSION MAY BE NECESSARY.