

## Appendix 4: Planning Conditions

GENERAL CONDITIONS		
1	<b>Commencement</b>	<p>The development hereby permitted shall be begun no later than 5 (five) years beginning with the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.</p>
2	<b>Phasing Plan</b>	<p>No development shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. This plan will demonstrate how the amenity of existing neighbours and occupants of early phases of the scheme will be protected in accordance with the Demolition and Construction Management Plan required under Condition 5 and the Construction Logistics Plan required under Condition 6. The development shall be undertaken only in accordance with the phasing plan approved under this condition.</p> <p>Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan and to protect residential amenity of existing neighbours and future residents.</p>
3	<b>Retention of operational stadium until Fossetts Farm is operational</b>	<p>No development whatsoever, including but not limited to any demolition or stripping out of the existing stadium, shall commence unless and until</p> <p>(a) the new Stadium application comprising all of elements of Stadium phase 1 including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13,893 spectators, identified on Phasing Plan 22274-CW-ZZ-AA-M3-A-Site-SO.RVT Revision P-O3 at Fossetts Farm and set out in approved plans L1 Lower Concourse/BOH Level, Phase 01, GA Plan - SUS-POP-00-01-GA-A-0101 to Roof Level, Phase 01, Ga Plan - SUS-POP-00-RF-GA-A-0106, North/South, East/West Sections Phase 01 - SUS-POP-ZX-ZZ-SE-A-0200, Bowl Plan Phase 1 - SUS-POP-00-04-GA-A-6000 and in the Development Framework Specification at paragraph 2.5 under reference 17/00733/FULM is granted full planning permission by Southend on Sea Council; and</p> <p>(b) Phase I including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13893 spectators and Supporters Way is built out fully in accordance with the permission(s) granted including any subsequent variation if applicable and subsequently made available for use whether by Southend Football Club or any other Club to the satisfaction of the Director of Planning or Head of Planning and Building Control; and</p> <p>(c) Adequate Supporters, players and staff car parking and public transport provision on match days is laid out and made available in accordance with planning permission 17/00733/FULM and with planning permission granted by Rochford District Council under reference 17/00436/FUL Land North of Smither's Chase</p> <p>(d) Adequate replacement clubhouse facilities of equivalent or better provision have secured planning permission and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control. The new facilities ultimately shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council. If prior to the provision of that clubhouse facility a temporary facility is to be provided it shall continue to be made available until the new facilities set out in planning application reference 17/00436/FUL are provided and made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control.</p>

		<p>To secure the discharge of this condition the applicant shall submit to the Director of Planning or Head of Planning and Building Control a report including evidence of the satisfactory practical completion of all elements set out above, completed and executed agreements for lease for all the above facilities for a minimum of 20 years in a form annexed to the Agreement, and a safety certificate authorising the use of the Stadium by the public. No development whatsoever shall commence unless and until all matters set out above are evidenced to the written satisfaction of the Director of Planning or Head of Planning and Building Control.</p> <p>Reason: To protect the sporting social and cultural function of Southend United Football Club.</p>
4	<p><b>Approved Plans and documents</b></p>	<p>The development for which detailed approval is hereby permitted, shall only be carried out in accordance with the approved plans and documents below:</p> <p><b>Documents</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing Statement</li> <li>• Air Quality Assessment</li> <li>• Archaeological Desk-Based Assessment</li> <li>• Consultation Statement</li> <li>• Daylight, Sunlight and Overshadowing Report</li> <li>• Design And Access Statement</li> <li>• Ecology And Biodiversity Assessment/Conservation of Habitats</li> <li>• Environmental Statement Volume 1</li> <li>• Environmental Statement Volume 2</li> <li>• Environmental Statement Volume 3 Appendices</li> <li>• Environmental Statement: Non-Technical Summary</li> <li>• Flood Risk and Suds Assessment</li> <li>• Geotechnical &amp; Hydrogeological Assessment</li> <li>• Health Impact Assessment</li> <li>• Historical Analysis, Assessment and Heritage Statement</li> <li>• Internal Daylight Analysis</li> <li>• Microclimate Assessment</li> <li>• Noise Assessment</li> <li>• Outline Residential Travel Plan</li> <li>• Outline Car Park Management Plan</li> <li>• Outline Recycling And Waste Management Strategy</li> <li>• Outline Construction Logistics Plan</li> <li>• Shadow HRA</li> <li>• Sustainability And Energy Strategy</li> <li>• Townscape Visual Impact Assessment</li> </ul>

- Transport Assessment
- Phase 1 Preliminary Risk Assessment
- Planning Statement
- Utilities Statement (See FRA and Appendices)

**Plans**

SITEWIDE

- Existing Site Plan (1:500) - 2188-00-DR-0001 rev P02
- Existing Site Plan (1:1250) - 2188-00-DR-0002 rev P02
- Demolition Plan (1:1250)- 2188-00-DR-0003-rev P01
- Existing Stadium Elevation - 2188-00-DR-0611 rev P01
- Site Wide - Level 0 - 2188-00-DR-0100 rev P04
- Site Wide - Level 1 - 2188-00-DR-0101 rev P04
- Site Wide - Level 2 - 2188-00-DR-0102 rev P04
- Site Wide - Level 3 - 2188-00-DR-0103 rev P04
- Site Wide - Level 4 - 2188-00-DR-0104 rev P04
- Site Wide - Level 5 - 2188-00-DR-0105 rev P04
- Site Wide - Level 6 - 2188-00-DR-0106 rev P04
- Site Wide - Level 7 - 2188-00-DR-0107 rev P04
- Site Wide - Roof Plan - 2188-00-DR-0120 rev P04
- Site Wide - GA Elevations Sheet 1 - 2188-00-DR-0600 rev P03
- Site Wide - GA Elevations Sheet 2 - 2188-00-DR-0601 rev P02
- Site Wide - GA Elevations Sheet 3 - 2188-00-DR-0602 rev P02

BUILDING A

- Building A - Level 0 - 2188-10-DR-0100 rev P02
- Building A - Level 1 - 2188-10-DR-0101 rev P02
- Building A - Level 2 - 2188-10-DR-0102 rev P02
- Building A - Level 3 - 2188-10-DR-0103 rev P02
- Building A - Level 4 - 2188-10-DR-0104 rev P02
- Building A - Level 5 - 2188-10-DR-0105 rev P02
- Building A - Level 6 - 2188-10-DR-0106 rev P02
- Building A - Level 7 - 2188-10-DR-0107 rev P02
- Building A - Level 8 - 2188-10-DR-0108 rev P02
- Building A - Car Park - 2188-10-DR-0120 rev P02
- Building A - GA Elevations Sheet 1 - 2188-10-DR-0600 rev P03
- Building A - GA Elevations Sheet 2 - 2188-10-DR-0601 rev P03
- Building A - GA Elevations Sheet 3 - 2188-10-DR-0602 rev P02

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- Building A - GA Elevations Sheet 4 - 2188-10-DR-0603 rev P03

BUILDING B

- Building B - Level 0-1 - 2188-20-DR-0100 rev P03
- Building B - Level 2-3 - 2188-20-DR-0101 rev P02
- Building B - Level 4-5 - 2188-20-DR-0102 rev P02
- Building B - Level 6-7 - 2188-20-DR-0103 rev P02
- Building B - Roof Plan - 2188-20-DR-0104 rev P02
- Building B - GA Elevations Sheet 1 - 2188-20-DR-0600 rev P03
- Building B - GA Elevations 01 - 2188-20-DR-0601 rev P03

BUILDING C

- Existing Victoria Avenue & Roots Hall Avenue Street Elevations - 2188-30-DR-0610 rev P01
- Building C - Level 0 - 2188-30-DR-0100 rev P04
- Building C - Level 1 - 2188-30-DR-0101 rev P04
- Building C - Level 2 - 2188-30-DR-0102 rev P04
- Building C - Level 3 - 2188-30-DR-0103 rev P04
- Building C - Roof Plan - 2188-30-DR-0104 rev P03
- Building C - GA Elevation Sheet 1 - 2188-30-DR-0600 rev P03
- Building C - GA Elevation Sheet 2 - 2188-30-DR-0601 rev P03
- Building C - GA Elevation Sheet 3 - 2188-30-DR-0602 rev P03

BUILDING D

- Building D Floor Plans - 2188-40-DR-0100 rev P03
- Building D Elevations - 2188-40-DR-0600 rev P03
- Building D Swept Path Analysis - 23258301-STR-HGN-100-DR-D-00501

BUILDING E

- Building E - Level 0-1 - 2188-50-DR-0100 rev P02
- Building E - Level 2-3 - 2188-50-DR-0101 rev P02
- Building E - Level 4-5 - 2188-50-DR-0102 rev P02
- Building E - Level 6-7 - 2188-50-DR-0103 rev P03
- Building E - Roof Plan - 2188-50-DR-0104 rev P02
- Building E - GA Elevations Sheet 1 - 2188-50-DR-0600 rev P02

BUILDING F

- Building F Plans - 2188-60-DR-0100 rev P01
- Building F Elevations - 2188-60-DR-0600 rev P01

DETAILS

- Façade Materials Sheet 01 - 2188-00-DR-0653 rev P01
- Façade Materials Sheet 02 - 2188-00-DR-0653 rev P03

LANDSCAPING

		<ul style="list-style-type: none"> <li>• Landscape Proposals - 1931-TF-00-00-DR-L-1002 – P04</li> <li>• Landscape Proposals - 1931-TF-00-00-DR-L-1003 – P04</li> <li>• Landscape Proposals - 1931-TF-00-00-DR-L-1004 – P04</li> <li>• Planting Schedule and Specification - 1931-TF-00-00-SP-L-1005 – P02</li> </ul> <p><u>HIGHWAYS</u></p> <ul style="list-style-type: none"> <li>• Proposed Level 2 Layout Site Access - 23258301-STR-HGN-100-DR-D-00306 Rev P3</li> <li>• Proposed Level 0.5 Cycle Parking - 23258301-STR-HGN-098-DR-D-00106 Rev P1</li> <li>• Proposed Level 2 Layout Cycle Parking - 23258301-STR-HGN-100-DR-D-00305 Rev P3</li> <li>• Proposed Level 2 Layout Emergency Access Swept Path Analysis - 23258301-STR-HGN-100-DR-D-00304 Rev P3</li> </ul> <p>Reason: To ensure the development is carried out in accordance with the development plan.</p>
<b>CONSTRUCTION RELATED CONDITIONS</b>		
5	<b>Demolition and Construction Management Plan</b>	<ul style="list-style-type: none"> <li>i. Prior to the commencement of the development the applicant shall submit in writing a demolition and construction management plan to the local planning authority for approval. The development shall only be implemented in accordance with the approved demolition and construction management plan. The demolition and construction management plan must include measures to secure or respond to the following requirements: <ul style="list-style-type: none"> <li>a. Traffic Management Plan,</li> <li>b. the control of nuisances, including noise, vibration, and dust, during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:</li> <li>c. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.</li> <li>d. During construction the target of 85% of waste leaving the site being diverted from landfill will be set and monitored appropriately.</li> <li>e. Dust Management details which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.</li> <li>f. restricting the duration of noisy activities and locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).</li> <li>g. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).</li> </ul> </li> <li>ii. Measures to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.</li> <li>iii. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.</li> <li>iv. All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.</li> <li>v. Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise &amp; Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.</li> </ul>

		Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).
6	<b>Construction Logistics Plan</b>	<p>Prior to the commencement of a phase of the development a Construction Logistics Plan for that Phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of vehicular routing, parking arrangements and be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. Each phase shall be implemented only in accordance with the approved details for the duration of the construction period.</p> <p>Reason: Reason: In the interest of the residential amenity of nearby occupiers, highway safety and free flow of the traffic network in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).</p>
<b>DESIGN, LANDSCAPING AND ECOLOGY CONDITIONS</b>		
7	<b>Site levels</b>	<p>No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.</p> <p>Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).</p>
8	<b>Building materials submission and approval</b>	<p>Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence (save for archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, groundworks and site preparation works), unless and until full details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, including brickwork patterning roof detail, windows (including sections, profiles, coping and reveals), doors, balustrading, fascia and balconies entrances, stair towers gateway features, grilles to car parks and stores, and vehicle barriers have been submitted to and approved in writing by the local planning authority. The permitted development must be carried out in full accordance with the approved details.</p> <p>Reason: To safeguard character and appearance of the area and the Pritwell conservation area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).</p>
9	<b>Landscaping scheme, phasing Materials details and management</b>	<p>With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, and site clearance works, no development within any Phase of the development hereby approved (as approved under the approved Phasing Plan under Condition 2, shall commence above ground level until and unless full details of both hard and soft landscape works for that phase including enclosed amenity terraces to the front of the blocks facing the public streets and spaces have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details must include the following as a minimum:</p> <ol style="list-style-type: none"> <li>i. Proposed Finished Levels or Contours</li> </ol>

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		<ul style="list-style-type: none"> <li>ii. Details of materials</li> <li>iii. Minor artefacts and structures including the Garden Square Pavilion.</li> <li>iv. Details of trees proposed and to be retained, ensuring a minimum of 153 trees are provided in accordance with the approved plans.</li> <li>v. Timetable for the Completion of the Hard and Soft Landscaping and Planting</li> <li>vi. Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services</li> <li>vii. Details of external lighting</li> <li>viii. Details of green roof and brown roofs and how these will be maintained</li> <li>ix. Details of any boundary treatment and means of enclosure to be erected within the site.</li> <li>x. Measures to enhance biodiversity.</li> <li>xi. Lighting</li> <li>xii. Children play areas and equipment.</li> <li>xiii. Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification, details of measures to enhance biodiversity within the site and details of the management of the site, such as the uncompacting of ground prior to planting, the staking of trees and removal of the stakes once the trees are established.</li> </ul> <p>The soft landscaping/planting within the area subject to approval within any Phase shall thereafter be carried out accordance with the approved timetable for the completion of hard and soft landscaping and planting.</p> <p>If any trees are removed or found to be dying, severely damaged or diseased within five years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority. Management regimes associated with the soft landscaping shall apply in perpetuity.</p> <p>Each of the buildings hereby approved within a Phase shall be provided with the necessary vehicular access, pedestrian access, drainage, footway and cycle access prior to full occupation, consistent with the approved Plans and in accordance with the approved timetable for completion of the hard and soft landscaping works approved under the terms of this condition.</p> <p>Reason: In the interests of highway safety and amenity and to protect the character of the area and the Prittlewell Conservation Area in accordance with the National Planning Policy Framework (2019), Policy KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5, DM8 and DM15 of Development Management Document (2015).</p>
10	<b>Landscape Management</b>	<p>Prior to first occupation of any part of any Phase of the development hereby approved details of a Landscape Management Plan for the maintenance and management of the soft and hard landscaping for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan. The Landscape Management Plan for that phase/sub-phase shall include details of how trees within that phase/sub-phase will be maintained during the initial three-year establishment period. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.</p> <p>Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP2, CP3 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).</p>

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11	<b>Trees – replacement of retained and provided trees</b>	<p>If any retained and provided tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with Condition 9, at such time as may be specified in writing by the local planning authority. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars. If, within a period of 10 (ten) years from the date of planting, a proposed tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.</p> <p>Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).</p>
12	<b>Accessible dwelling standards</b>	<p>Notwithstanding the details shown on the drawings submitted and otherwise hereby approved before the development is commenced above ground floor slab level details setting out how 10% of the dwellings shall be built in compliance with the building regulation M4(3) ‘Adaptable for wheelchair user dwellings’ standard and the remaining 90% shall all be built in compliance with the building regulation part M4(2) ‘accessible and adaptable dwellings’ standard shall be submitted to the local planning authority and approved in writing. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the details approved under this condition prior to its first occupation.</p> <p>Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).</p>
13	<b>Obscure glazing</b>	<p>Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be first occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented.</p> <p>The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details for the lifetime of the development.</p> <p>Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide</p>
14	<b>Privacy Screens</b>	<p>Prior to the commencement of any phase of development details of privacy screens and the manner and design in which these are to be implemented will be submitted and approved by the Local Planning Authority.</p>



		<p>The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained in accordance with the agreed details for the lifetime of the development.</p> <p>Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide</p>
15	<b>Designing out crime</b>	<p>With the exception of demolition, site clearance and Preliminary Works , no development shall commence above ground level until and unless a scheme showing the principles to be implemented to reduce the risk of crime and fear of crime for the development in accordance with “secured by design” principles, including but not limited to access control measures from car parks to the residential blocks, design and materials of the Pavilion, design of balconies, roof top gardens and garden boundary treatment and creation of natural surveillance, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Police Designing out Crime Officer. That part of the development shall not be occupied until and unless the approved designing out crime scheme for that part of the development has been fully implemented. The approved measures shall be maintained for the lifetime of the development.</p> <p>Reason: To ensure the creation of a safe and secure environment in accordance with the National Planning Policy Framework, Core strategy Policies KP2 CP4 and CP6 and guidance in the Southend Design and Townscape Guide (2007)</p>
16	<b>Scheme of Biodiversity Enhancement</b>	<p>The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Habitats Regulation Assessment (Roots HallWIE18031-1-1-2-HRA-AA). No development, including ground and site preparation works, shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a full Biodiversity Mitigation and Enhancement Strategy. The strategy shall:</p> <ul style="list-style-type: none"> <li>i. Be written in accordance with BS42020:2013 Biodiversity. Code of Practice for planning and development and Biodiversity Net Gain Good Practice Principals for Development;</li> <li>ii. Provide full details of protection measures to be implemented for habitats and faunal species including measures applicable during demolition works and the timings of works such as to avoid bird nesting season;</li> <li>iii. Provide full details of proposed habitat creation measures to enhance the site for biodiversity, including biodiverse roofs;</li> <li>iv. Detail full enhancement measures to be provided for faunal species including bats and birds. This shall include details for the provision of enhanced green infrastructure; numbers, specifications and locations of bird and bat boxes;</li> <li>v. A review of the lighting strategy including an assessment of lux levels and how the proposed lighting scheme will not impact upon any retained or newly created habitats and green infrastructure of value to biodiversity including nocturnal species.</li> </ul> <p>Prior to the commencement of the development a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.</p> <p>Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).</p>

17	<b>Biodiversity Net Gain</b>	<p>No development shall take place, including ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Net Gain assessment for the site. The assessment should detail how the provision of at least a net gain in biodiversity, in terms of both habitats and linear habitats, has been achieved. The assessment should be undertaken using the most recent DEFRA biodiversity metric available at the time. If there is a shortfall in biodiversity net gain on the site itself, off-site compensation should be provided. It shall be implemented in accordance with the timescales approved in the strategy.</p> <p>Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).</p>
<b>HIGHWAYS AND PARKING CONDITIONS</b>		
18	<b>Car Parking Provision</b>	<p>As outlined on the approved drawings in Condition 4, 502 car parking spaces and two car club spaces with electric vehicle charging points shall be provided and retained in perpetuity for the parking of occupiers and visitors. Accessible car parking spaces should be provided to serve the wheelchair accessible units.</p> <p>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).</p>
19	<b>Car Park Management Plan and Electric vehicle charging points</b>	<p>Notwithstanding the details shown on the plans submitted and otherwise hereby approved, with the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, above ground works of the development hereby permitted shall not be commenced unless and until a car park management plan, including measures to control on street parking, and ensure measure to address highways design and safety as identified within the TA has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the development is first occupied or brought into first use and shall be maintained as such in perpetuity.</p> <p>The development shall not be first occupied or brought into first use unless and until full details of the car (including accessible and Electric Vehicle charging point provision, including 20% of all spaces to be provided with active charging points and the remainder of all spaces served by passive provision), motor cycle, delivery and drop off space, and covered and secured cycle parking (based on drawing reference 2188-10-DR-0120 rev P02, 23258301-STR-HGN-098-DR-D-00106 Rev P1 and 23258301-STR-HGN-100-DR-D-00305 Rev P3) to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.</p> <p>No building shall be first occupied or brought into first use unless and until the onsite car parking spaces for the respective buildings, have been provided and made available for use in full accordance with the drawings, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.</p> <p>The approved parking spaces shall be provided and made available for use and the accessible parking bays shall be clearly marked with a British Standard disabled symbol prior to the occupation of that part of the development and shall be maintained thereafter solely for the parking of occupiers of, visitors to and users of the development.</p> <p>All car park facilities (including residential) will need to be accredited to the 'British Parking Association – Park Mark Scheme' to ensure that measures are in place to safeguard the public and their vehicles.</p>

		<p>The Car Park Management Plan should include provision for the long term review and monitoring of car parking arrangements.</p> <p>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).</p>
20	<b>Cycle parking and storage - details</b>	<p>The development of above ground works shall not be commenced unless and until full details of the covered and secured cycle parking (based on drawing reference 23258301-STR-HGN-098-DR-D-00106 Rev P1 and 23258301-STR-HGN-100-DR-D-00305 Rev P3), including provision for one space per unit) to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.</p> <p>No building shall be occupied until the space approved has been laid and made available for each unit for a minimum of one space per unit and that space shall thereafter be kept available for the parking of bicycles.</p> <p>Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).</p>
21	<b>Detailed Highways Design</b>	<p>With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, and site clearance works, no development within any Phase of the development hereby approved (as approved under the approved Phasing Plan under Condition 2), shall commence until the detailed designs (including relevant road safety audits) of all highways works, accesses and egresses into the development have been submitted to and approved by the Council.</p> <p>This shall include the following, or in the event of changes to the baseline situation, alternative works:</p> <ol style="list-style-type: none"> <li>i. CPZ contribution of £10,000 towards consultation on the introduction of a CPZ and the cost of provision if required, payable before first occupation;</li> <li>ii. Works to the Fairfax Dr/Victoria Avenue junction, Prittlewell Chase/Fairfax Drive junction as follows; <ul style="list-style-type: none"> <li>• Widening the Fairfax Drive approach to the Victoria Avenue signal junction to provide 2 x 3 metre traffic lanes;</li> <li>• Providing markings for the right turn movements from Victoria Avenue to Fairfax Drive and Priory Crescent in accordance with approved detailed designs;</li> <li>• Providing two left turn lanes from Prittlewell Chase onto Fairfax Drive;</li> <li>• TRO and appropriate signage to prevent U turns on Fairfax Drive;</li> <li>• Or in the event of changes to the baseline situation alternative works with detailed final design and triggers to be agreed, taking into account junction improvement works to be undertaken by the Local Highways Authority pursuant to DfT Levelling up fund submission;</li> </ul> </li> <li>iii. TRO and signage for entrance of Shakespeare Drive;</li> <li>iv. The detailed designs (including relevant road safety audits) of all accesses and egresses into the development and designs of surrounding junctions should be agreed with the Council in line with the final road safety audit approved by the Council;</li> <li>v. No vehicular access to Victoria Avenue other than pedestrian, cycle and emergency access with measures such as rising bollards or equivalent to be agreed with the Council;</li> <li>vi. Footways to be provided on both sides of the access from Fairfax Drive;</li> </ol>

		<p>vii. Highways Agreement to include a supervision fee of maximum of 10%. The access and egresses shall be carried out in accordance with the approved designs prior to first occupation of the development.</p> <p>Highways works will be subject to Southend Council's agreement through the detailed design and road safety audit processes. The safety aspects from the RSA1 must be mitigated for in these further stages.</p> <p>Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).</p>
22	<b>Residential Travel Plan</b>	<p>Prior to commencement of above ground works of the development, a Residential Travel Plan shall be prepared based on the principles of the submitted Outline Residential Travel Plan (Steers, December 2020) including measures and incentives to promote an environmentally responsible travel behaviour and shall be submitted to and approved by the Local Planning Authority. The scheme thereafter shall be implemented to the program, monitoring and maintenance requirements outlined within that document.</p> <p>For the first three years by 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 approved conclusions and recommendations.</p> <p>The Travel Plan shall include details of the Travel Packs, the car club and the Personalized Journey Planning.</p> <p>Reason: To support the targeted mode share 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).</p>
23	<b>Delivery and Servicing Plan</b>	<p>Prior to first occupation of any part of any Phase of the development hereby approved details of a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Council. The DSP will be used to manage deliveries to/ from the development and in particular to discourage servicing trips during peaks periods on the surrounding highway network. The approved DSP shall be implemented in full prior to the first occupation of any phase.</p> <p>Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).</p>
<b>CONTAMINATION ASSOCIATED CONDITIONS</b>		
24	<b>Land Contamination</b>	<p><b>A. Site Characterisation</b></p> <p>Notwithstanding the details submitted with this application, no development shall commence <u>other than that required to carry out additional necessary investigation</u> which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall</p>

assess the nature and extent of any contamination on the site, whether or not it originates on the 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:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

A Tier 1 Risk Assessment (Preliminary Risk Assessment) should be submitted and approved in writing by the local planning authority that develops the initial conceptual site model to establish whether there are any potentially unacceptable risks. The Preliminary Risk Assessment should be prepared in accordance with the EA's LCRM guidance.

The findings of the Preliminary Risk Assessment should be used to inform a Tier 2 Generic Quantitative Risk Assessment. A Tier 3 Detailed quantitative risk assessment should be submitted and approved in writing by the local planning authority if the Tier 2 assessment identifies one or more potential contaminant linkages that need a detailed assessment.

#### **B. Site Remediation Scheme**

The development hereby permitted shall not commence until a detailed remediation scheme 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 has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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.

#### **C. Remediation Implementation and Verification**

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the remediation measures set out in the approved Remediation scheme have been implemented in full. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

		<p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. The verification report shall be submitted to the local planning authority and approved in writing before the dwellings hereby approved are first occupied.</p> <p>The Verification Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) guidance from the Environment Agency and should demonstrate that the risk has been reduced and the remediation objectives and criteria have been met, show that remediation has been successful and create a final record of the land quality (including any requirement for long-term monitoring).</p> <p><b>D. Reporting of Unexpected Contamination</b></p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.</p> <p>Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency</p> <p>Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that:</p> <p>Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or 'WM3').</p> <p>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) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).</p>
<b>NOISE AND ILLUMINATION RELATED CONDITIONS</b>		
25	<b>Noise Insulation of Dwellings – Transport Noise</b>	<p>Prior to the completion above ground floor slab level of the six dwellings fronting Victoria Avenue located in Buildings C1 and C2 details of how the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England will be submitted to and approved by the local planning authority. The internal ambient noise levels shall not exceed the guideline values in Table 4 of BS8233:2014 namely:</p>

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		<ul style="list-style-type: none"> <li>• 07:00 to 23:00             <ul style="list-style-type: none"> <li>○ Resting - Living room 35 dB LAeq,16hour</li> <li>○ Dining - Dining room/area 40 dB LAeq,16hour</li> <li>○ Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour 30 dB LAeq,8hour</li> </ul> </li> <li>• 23:00 to 07:00             <ul style="list-style-type: none"> <li>○ Sleeping Night-time Bedroom 35 dB LAeq,16hour</li> </ul> </li> <li>• Adequate glazing specification RW39 should be provided in order to mitigate road traffic noise including installation of any ventilation systems necessary to achieve BS 8233:2014 internal noise levels.</li> <li>• External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 55 dBLAeq,T. The six dwellings fronting Victoria Avenue located in Buildings C1 and C2 are excluded on the basis of good design and meeting amenity requirements.</li> <li>• Where it is necessary a scheme for approval for alternative means of ventilation is required in writing to demonstrate that:             <ul style="list-style-type: none"> <li>• Noise from the system will not present an adverse impact on occupants.</li> <li>• The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions</li> </ul> </li> </ul> <p>The six dwellings fronting Victoria Avenue located in Buildings C1 and C2 shall not be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures. A method statement shall be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. If additional noise mitigation measures are required (where necessary to ensure the appropriate noise levels can be met), these shall be submitted to an approved in writing by the Local Authority and implemented in full prior to the first occupation of the six dwellings. The Post Completion report shall assess the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority. The approved alternative means of ventilation and cooling/heating shall be maintained thereafter.</p> <p>Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).</p>
26	<p><b>Noise from Residential Building Services</b></p>	<p>Prior to first occupation of each building to which it relates in accordance with the Phasing Plan submitted in accordance with Condition 2 a noise impact assessment shall be conducted by a competent person to assess the impact of noise from plant and equipment within the proposed residential buildings on occupiers of dwellings. This shall include noise and vibration from:</p> <ul style="list-style-type: none"> <li>• Elevators including service elevators</li> <li>• Air condition units and condensers</li> </ul>

		<ul style="list-style-type: none"> <li>• Automatically opening doors</li> <li>• Service entrances and barriers</li> </ul> <p>The impact assessment shall include requirements for mitigation measures. The Noise impact Assessment shall be submitted in writing for approval. All mitigation measures must be implemented in accordance with the approved report and post-installation testing completed and verification sent submitted in writing for approval. The mitigation measures shall be retained and maintained hereafter.</p> <p>Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).</p>
27	<b>External Illumination</b>	<p>Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and Bat Conservation Trust "Guidance Note 8 Bats and Artificial Lighting 2018". All illumination within the site shall be implemented and retained in accordance with the approved details only. There shall be no other lighting of the external areas of the site.</p> <p>Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).</p>
<b>FLOOD AND DRAINAGE CONDITIONS</b>		
28	<b>Detailed design of a surface water drainage scheme</b>	<p>A detailed design of a surface water drainage scheme incorporating the following elements and timescales for implementation shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority before the development is commenced, other than for demolition and site clearance works. The approved scheme shall be implemented in accordance with the approved timescales and be maintained as such in perpetuity thereafter. The scheme shall address the following matters:</p> <ol style="list-style-type: none"> <li>a) Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance.</li> <li>b) Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate (QBAR).</li> <li>c) Provide detailed drawings of the drainage network showing site layout, discharge locations, types and location of flow control devices, pipe sizes and gradients and all SuDS techniques being used on the site including the proposed water treatment methods. Also including sizing and volume of storage to be provided for all SuDS features on the site, with demonstration of how the network will perform under different flood scenarios.</li> <li>d) Provide a plan illustrating the conveyance and exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% allowance for climate change and in the event of system failure to demonstrate how exceedance flow will be managed and mitigated on site without significantly increasing flood risks (both on site and outside the development).</li> </ol>



		<p>e) Provide details of embedded mitigation including permeable paving for hard landscaped areas, with a permeable sub-base to provide filtration of surface water runoff, green roofs, Bioretention SuDS and attenuation tanks to reduce surface water runoff rates off the site and raised finished floor levels to prevent the ingress of surface water into the proposed buildings.</p> <p>f) Provide a method statement regarding the management of surface water runoff during the construction phase of the project.</p> <p>g) Provide evidence of consent from Anglian Water regarding the proposed discharge rate and connection point.</p> <p>h) A maintenance plan for the drainage infrastructure to ensure it continues to function as envisaged.</p> <p>Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.</p>
<b>WASTE MANAGEMENT AND UTILITIES CONDITIONS</b>		
29	<b>Recycling and Waste Management Plan</b>	<p>Prior to first occupation of the development a Full Recycling and Waste Management Plan shall be submitted to the local planning authority and approved in writing. The submitted plan shall be in accordance with the Applicant's Outline Recycling and Waste Management Strategy (Steers, December 2020) and the Essex County Council and Southend-on-Sea Borough Council Waste Management Plan and include a scheme for temporary storage and recycling, collection and disposing of waste resulting from construction works that does not allow for the burning of waste on site, and mitigation methods to control noise and odour from the waste storage and collection arrangements and pest control measures. The development shall be implemented in accordance with the approved plan from first occupation.</p> <p>Reason: To ensure that the development provides adequate refuse and recycling facilities 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).</p>
<b>SUSTAINABILITY CONDITIONS</b>		
30	<b>Water Efficiency design measures</b>	<p>All residential dwellings in each building must comply to the limit of internal water consumption of 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. A building in the scheme shall not be occupied until it has been implemented in accordance with the requirements of this condition and the buildings shall be retained as such in perpetuity.</p> <p>Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).</p>
31	<b>Renewable Energy Scheme</b>	<p>Prior to construction of the development hereby approved above ground floor slab level 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. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition.</p> <p>This provision shall be made for the lifetime of the development.</p> <p>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).</p>

32	<b>Energy Conservation Measures</b>	<p>Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how efficiency measures are to be incorporated throughout the proposed development to reduce the overall energy demand, and subsequent CO2 emissions.</p> <p>The measures shall include but not be limited to passive solar gain through the specification of large openings especially within the living areas; insulation in excess of the Building Regulations Part L1a requirements to further reduce heat loss; Air Pressure testing to be undertaken on all units; thermal bridging to be reduced through the use of Accredited Construction Details (ACDs) to ensure that architectural details retain thermal continuity; lighting to be of a low energy type; the majority of dwellings having openings on a minimum of 2 no. elevations to enable cross ventilation and reduce overheating potential; and mechanical ventilation to be provided in line with Building Regulations Part F requirements to allow adequate purge, trickle and extract ventilation to all necessary spaces.</p> <p>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).</p>
<b>LONDON SOUTHEND AIRPORT</b>		
33	<b>London Southend Airport Height Restriction</b>	<p>The development hereby approved shall not exceed height of 56.46m AOD at any time. This AOD height includes aerials, antenna, apparatus and roof mounted plant appliances of any sort.</p> <p>Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.</p>
34	<b>Roof Equipment</b>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any statutory instrument amending, revoking or replacing that Order, no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof of any building within the development hereby approved without the receipt of express planning permission in writing from the Local Planning Authority.</p> <p>Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.</p>
35	<b>Southend Airport Instrument Flight Procedures Compliance</b>	<p>Prior to above ground works within any Phase or Sub-Phase of the development confirmation that the Phase or Sub-Phase complies with the relevant Instrument Flight Procedures of the Airport Authority shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The development shall only be implemented in accordance with the details approved under this condition.</p> <p>Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.</p>
36	<b>Crane Height</b>	<p>Prior to the commencement of development within any Phase of the development hereby approved details of the cranes to be used in the construction of that Phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The details shall include the location of cranes and maximum heights, in order to allow the Airport Authority to undertake further assessment prior to commencement of development. Thereafter cranes shall only be erected and operated in accordance with the approved details.</p>

		<p>If additional cranes are required following commencement of development, or revised crane heights or locations are subsequently sought, the revised details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority prior to the erection or first operation of the relevant cranes and the cranes shall only be erected or operated in accordance with the revised details.</p> <p>All cranes required for construction must be limited to operate no taller than 56.46m AOD unless the Airport Authority has been notified of any cranes proposed to operate over 56.46m AOD and the proposed maximum crane heights and locations have been reviewed and approved by the Local Planning Authority in consultation with the Airport Authority in accordance with the terms of this permission condition.</p> <p>Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.</p>
<b>OTHER</b>		
37	<b>Archaeological Watching Brief</b>	<p>No development shall take place, within each phase of the development unless and until an Archaeological Written Scheme of Investigation for a programme of archaeological work including a programme of archaeological recording and analysis, trial trenching, a watching brief for any works involving vertical or lateral invasion into the existing top or sub soil and details of the measures to be taken should any archaeological finds be discovered has first been submitted to and approved in writing by the Local Planning Authority. The approved Archaeological Written Scheme of investigation/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before that phase of the development is brought into first use.</p> <p>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 of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).</p>
38	<b>Removal of certain permitted development rights</b>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties, to safeguard the character of the area and in the interests of aviation safety in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM4, and the Southend Design and Townscape Guide (2009).</p>
39	<b>Binding S106 Agreement</b>	<p>No development shall commence on any part of the site as shown on the approved drawings in Condition 4, or any subsequent/amended version approved in writing by the Local Planning Authority until all interests within the site are bound by either: (1) a Section 106 Agreement containing the same planning obligations to those secured in the Section 106 Agreement dated [TBC]; or (2) a confirmatory deed confirming that the land is bound by the Section 106 Agreement dated [TBC] to the written satisfaction of the Local Planning Authority.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

**Informatives:**

The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

**Construction outside of normal hours**

If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If we become aware of any works that are highly likely to cause a nuisance we can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

**Asbestos**

As it is considered likely that the buildings to be demolished contain asbestos a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's duty of care for waste should be implemented with reference the asbestos survey of the buildings.

The Control of Asbestos Regulations 2012 is regulated by the HSE. It is recommended that the applicant and their contractors use competent persons and ensure that any necessary risk assessments and mitigation measures are conducted in accordance with their duty of care and that where necessary properly licensed contractors are used.

Where necessary the Southend-on-Sea Borough Council Building Control Team to also ensure that all works are in accordance with the Building Regulations 2000.

**Water**

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency

<p>Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Southend-on-Sea Borough Council</p>
<p><b>Highways</b></p> <p>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.</p> <p>A contribution has been secured for a CPZ, subject to the outcome of a consultation exercise led by SSBC, identifying parking issues on nearby streets. If such a scheme were to be introduced in the future, the ability for residents of the development to be eligible for off-site parking permits may be removed.</p>
<p><b>CIL</b></p> <p>Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Further information about CIL can be found on the Planning Portal (<a href="http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy">www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy</a>) or the Council's website (<a href="http://www.southend.gov.uk/cil">www.southend.gov.uk/cil</a>).</p>
<p><b>Anglian Water</b></p> <p>(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.</p> <p>(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.</p> <p>(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.</p> <p>(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.</p> <p>(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.</p>
<p><b>Land Contamination</b></p> <p>Land contamination works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence other than that required to carry out additional necessary investigation until the measures set out in the approved report have been implemented.</p>