



Application No: 151298

Location: Castle Park, High Street, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **30 July 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 17/08/2015

MINOR

Site: **Castle Park, High Street, Colchester**

Application No: **151298**

Date Received: **22 June 2015**

Applicant: **Mr Ben Payne**

Development: Provision of a Winter Wonderland and Ice Rink with germanic chalets selling traditional Christmas items. The site will open on the 26th November 2015 and close on 3rd January 2016. Opening times to be 10am til 10pm each day apart from Sundays when it will close at 9pm.

Ward: **Castle**

Summary of Representation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the consultation period expires after the deadline for submitting reports to the 30th July Planning Committee and it is not known whether the proposal will generate any objections. Officers do not have delegated power to determine applications of this type where an objection has been received. If the Winter Wonderland event is to proceed this year a favourable decision needs to be made in respect of this application by 31 July 2015. In order to ensure that this deadline is met, the application has been submitted to the Committee on the basis of an objection will be received.

2.0 Synopsis

- 2.1 The key issues explored below are the impact on designated heritage assets and trees and the potential for the event to cause noise and disturbance to local residents. The report concludes that with appropriate mitigation the Winter Wonderland event will not cause significant material harm to the aforementioned planning issues.

3.0 Site Description and Context

- 3.1 Castle Park is located to the north-east of the Town Centre and is effectively divided into two sections by the Roman Wall that traverses it east to west.
- 3.2 The application site is located in the south western quadrant of the Upper Castle Park. Museum Street, Castle Bailey, Cowdray Crescent and the Hollytrees Museum form the southern boundary of the application site. The west boundary of the site is formed by Rygate Road. Surrounding these streets is a mixture of commercial, religious and residential properties. The northern boundary of the site is formed by the earthworks of the castle rampart. The eastern boundary of the site is formed by the castle ramparts and by the footpath that runs adjacent to area of land known as Hollytrees Meadow. The east side of the Upper Castle Park is bounded by residential properties.
- 3.3 Within the application site there are a number of designated heritage assets. The Norman Castle and Hollytrees Mansion Museum are respectively listed grade I and grade II* for their special architectural or historic interest; the main Castle Park gateway and summer house are listed grade II. The majority of the park is a designated scheduled ancient monument (SAM) and this relates to the precincts of the Temple of Claudius and the Norman Castle and its associated ramparts. The Upper Park falls within the Town Centre Conservation Area (Colchester Conservation Area No.1) and the Castle Park is listed in the Register of Historic Parks and Gardens (Grade II). The application site also includes a number of mature trees that make a positive contribution to setting of the listed buildings and the character and appearance of the area. In addition to the heritage assets within the application site, there are numerous listed and locally listed buildings located immediately adjacent to Upper Castle Park.

4.0 Description of the Proposal

- 4.1 The submitted planning application relates to a Winter Wonderland event comprising an ice rink, fairground attractions, food stalls and Germanic style chalets selling traditional Christmas items and associated ancillary equipment. It is proposed that the event will be operation form 26th November 2015 to 3rd January 2016 and will open between 10:00 to 22:00 Monday to Saturday and from 10:00 to 21:00 on Sundays.

5.0 Land Use Allocation

- 5.1 The Upper Castle Park is identified in the adopted Site Allocations Plan as 'Open Space'.

6.0 Relevant Planning History

- 6.1 A preliminary planning enquiry was submitted to the Council in March 2015 in respect of the current proposal.

7.0 Principal Policies

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the adopted development plan comprises the adopted Core Strategy (December 2008, amended 2014), Development Plan Policies (October 2010, amended 2014) and Site Allocations Plan (October 2010)

- 7.2 The Core Strategy sets out strategic planning policies and the following are of most relevance to this application:

SD1 - Sustainable Development Locations

SD3 - Community Facilities

CE2a - Town Centre

UR2 - Built Design and Character

PR1 - Open Space

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA5 - Parking

ENV1 - Environment

- 7.3 The Development Plan Policies provide more detailed planning policy guidance and the following are of relevance to this application:

DP1 Design and Amenity

DP6 Colchester Town Centre Uses

DP10 Tourism, Leisure and Culture

DP14 Historic Environment Assets

DP15 Retention of Open Space and Indoor Sports Facilities

DP17 Accessibility and Access

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP21 Nature Conservation and Protected Lanes

- 7.4 Further to the above, the Site Allocations policies set out below should also be taken into account in the decision making process:

SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

- 7.5 The National Planning Policy Framework (the Framework) must also be taken into account in planning decisions. The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development namely: economic, social and environmental.

8.0 Consultations

Archaeological Officer

- 8.1 The Council's Archaeological Officer has confirmed that an adequate archaeological assessment has been undertaken for this proposal (CAT report 850, July 2015). The Archaeological Officer also notes that assessment indicates that no archaeological deposits will be disturbed and that the method statement demonstrates that the impact of the proposal should be negligible. In accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition. The following archaeological condition is recommended:

No works shall take place until the implementation of a programme of archaeological recording monitoring and mitigation has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

- 8.2 The Archaeological Officer has advised that he is willing to provide a brief for the archaeological investigation. In this case, continuous archaeological recording and monitoring (an archaeological watching brief) will be required during all works – both set up and removal. The archaeological monitoring is also required to ensure that the agreed construction methodology, approved by the planning consent, is adhered to and to ensure that the impact of the development is acceptable and that the reinstatement of the site to its former condition is secured.

Landscape Officer

- 8.3 The Landscape Officer has stated the he is satisfied with the landscape concept content of the proposals provided the Trees Officer raises no objections. .

Tree Officer

- 8.4 The Tree Officer has confirmed that he is in agreement with the conclusions and recommendations made within the submitted Tree Report. He notes that, whilst the proposal may potentially affect some of the nearby trees, it is possible to mitigate this with the use of ground protection and sympathetic pruning to facilitate access. The Tree Officer has advised that the extent and type of ground protection and all other associated requirements to manage the trees to facilitate the set up and use of the site for the proposal should be subject to an arboricultural method statement which can be conditioned if the proposal is granted permission.

Environmental Protection

- 8.5 The Council's Environmental Protection Team have made the following comments in respect of the Winter Wonderland proposal:

Further to the pre application discussions with the Environmental Protection Team it has been noted that the decision has been taken by the organiser to locate the food stalls further from residential premises to avoid cooking odours affecting neighbouring properties. In addition, as discussed with the organiser the generators are to be located in an agreed position to prevent generator noise from being heard offsite.

Should planning permission be granted Environmental Protection wish to make the following comments:-

- All lighting should be directed away from residential premises and no light should be permitted to shine into a residential premises. No flashing lights may be used at anytime.
- Music from the site shall not exceed a 15-min Laeq of 55dB at the site boundary. (All music shall be directed away from residential properties and the bass shall not be audible within neighbouring properties).
- The games for the stalls shall be of a quiet nature and must be inaudible at the site boundary

- 8.6 The Environmental Protection Team has also confirmed as the proposed event is for a temporary period it is not considered to have any long term implications for air quality in the town centre.

Planning Policy

- 8.7 No objection has been raised by the Planning Policy Team to this application

Enterprise & Tourism Development Manager

- 8.8 The following comments have been received by the Enterprise & Tourism Development Manager

Assuming that there will be no damage to any archaeological structures and that any surface wear will be reinstated afterwards I believe this temporary attraction for Colchester should be supported. This new attraction will help to drive footfall to the town centre, bring additional spending to the town from visitors from the surrounding area and also help to enhance Colchester's image and reputation in the region. The attraction will also add to the quality of life for those who already live here by offering new choice in how they spend their valuable leisure time. In this respect, there will be retention of spend dimension which might have been spent elsewhere.

Highway Authority

- 8.9 The Highway Authority has made the following comments in respect of this proposal:

Castle Park hosts a number of large events throughout the year which have the potential to attract large amounts of traffic. The location of numerous car parks around the town will ensure that the impact on the highway is minimised. This Authority has assessed the highway and transportation impact of this proposal wishes to raises no objection to this proposal.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 The application site is not located with a parish.

10.0 Representations

- 10.1 At the time of writing this report no letters of representation have been received.

11.0 Parking Provision

- 11.1 No parking is being provided on-site. However, special offers in town centre car parks are planned to support the event and these could be purchased online with tickets. The ice rink would have a capacity of 150 persons only and it is anticipated that this demand would not impact materially on parking demand. The Castle Road gateway into the park will be locked during the evening and this should discourage opportunist parking in the Roman Road/Castle Road area. The residential areas in closest proximity to the site are also subject to residents parking restrictions.

12.0 Open Space Provisions

- 12.1 N/a

13.0 Air Quality

- 13.1 The site is located within the town centre Air Quality Management Area but is not considered to have any significant impact on air quality in the long term

14.0 Development Team and Planning Obligations

- 14.1 As a part of the preliminary enquiry consultation the Development Team considered that no planning obligations were necessary to mitigate the impact of this development proposal. This application is scheduled to be reported to the Development Team on 30th July 2015 and their comments will be reported to the Planning Committee.

15.0 Report

The Proposal

- 15.1 The submitted planning relates to a Winter Wonderland event comprising an ice rink, fairground attractions, food stalls and Germanic style chalets selling traditional Christmas items and ancillary equipment. It is proposed that the event will operate from 26th November 2015 to 3rd January 2016 and will open between 10:00 to 22:00 Monday to Saturday and from 10:00 to 21:00 on Sundays.

The Principle of Development

- 15.2 The application site is located in the south western quadrant of the Upper Castle Park; the Castle Park is located immediately to the east of the heart of the town centre.
- 15.3 The proposal to hold a Winter Wonderland event in Colchester town centre accords with Core Strategy Policy SD1 and the Framework which promote development in sustainable locations.
- 15.4 The Upper Castle Park is identified in the Site Allocations Plan as 'Open Space'. The proposal to hold a Winter Wonderland for a limited period is not considered to conflict with this land-use designation or the function of the park.

Heritage and Design Considerations

- 15.5 Castle Park forms part of the grounds of Colchester Castle and the Hollytrees Mansion and is divided into an upper and lower park by the town wall. The Upper Castle Park includes the following listed buildings: the dual designated Norman castle (listed grade I for its special architectural or historic interest and a schedule ancient monument), Hollytrees Mansion Museum (listed grade II*) and the main entrance gates to the Park and summer house (both listed grade II). The grounds of the Upper Castle Park are designated a Schedule Ancient Monument which covers the precincts of the Temple of Claudius and the Norman Castle with its associated ramparts. The Upper Castle Park also falls within the town centre conservation area and is a Registered Historic Park and Garden. In addition to the above heritage features, there are numerous listed and locally listed buildings that surround the Castle Park site.
- 15.6 Under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LBCA)A) there is a statutory duty to protect from harm listed buildings and their settings and to preserve or enhance the character or appearance of a conservation area. The Ancient Monuments and Archaeological Areas Act 1979 and subsequent amendments make provision for the Secretary of State to protect Scheduled Ancient Monuments (SAMs). The Core Strategy Policy ENV 1 and Development Plan Policy DPD14 seek to protect the historic environment and thus reflect the provision of the P(LBCA)A. The aims of the Framework are also generally consistent with the requirement of the P(LBCA)A. With regard to design, CS Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 12 (paragraphs 126 to 141) of the Framework deals with conserving and enhancing the historic environment

- 15.7 The application site is one of the most historically sensitive locations in Colchester and, therefore the potential impact that the proposal will have on the identified heritage assets (both direct and indirect) is a fundamental consideration.
- 15.8 In terms of direct impacts, the primary consideration is whether the proposal will result in damage being caused to features of archaeological importance notably the remains precincts of the Temple of Claudius and/or the Norman Castle and its associated earthworks. Given the potential archaeological implications associated with the proposed Winter Wonderland event, the scheme has been subject of detailed negotiation between the applicant, Council Officers and Historic England. These discussions have helped to inform the content of Archaeological Assessment and mitigation strategy that has been submitted in support of this planning application.
- 15.9 The Archaeological Assessment notes that there five notable archaeological interventions that provide specific information about the depth of below ground remains. From analysis of this data, the assessment concludes that significant archaeological remains within the area of proposed event are deeply-buried (generally at 0.80m below modern ground) and, as such, the surface-building of the proposed Winter Wonderland will have no significant effect on the buried archaeological remains. With regard to the standing monuments of Colchester Castle and its ramparts, the assessment notes that the only place where the proposed Winter Wonderland has a potential impact is the south-eastern corner of the Ice Rink and the eastern side of the Skate Exchange, both of which rest on the Norman rampart. The assessment report notes that mitigation will be necessary in these areas to prevent damage to the ramparts. A mitigation strategy has been put forward for the protection of the archaeological features and the Council's Archaeological Officer has confirmed that this is acceptable in principle. Conditions have been recommended relating to archaeological monitoring during the set-up and during and after the event to identify impacts and any necessary remedial works.
- 15.10 All works affecting a SAM or its setting require scheduled ancient monument consent (SAMC). Members may wish to note that an application for SAMC has been submitted to Historic England.
- 15.11 The indirect impacts associated with this application relate to the setting of the identified heritage assets. The proposed Winter Wonderland event will change the existing setting of the castle and its immediate environment during the course of its operation. That said the change to the setting of the Upper Castle Park will be of a temporary nature and provided appropriate controls are put in place to prevent damage to features of acknowledged importance, it is considered that the proposal will not result in any significant harm being caused.

Trees and Landscape

- 15.12 Upper Castle Park contains a number of mature trees and ornamental flower beds that make a positive contribution to the setting of the nearby listed and other buildings and the character and appearance of the area.
- 15.3 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Central Government guidance on conserving the natural environment is set out in Section 11 of the Framework.

- 15.14 A Tree Survey has been submitted as part of this planning application. This identifies 21 individual trees and one group of trees within the operative area of the Winter Wonderland event. The submitted report notes that for the temporary structures to be delivered and erected some low level pruning work will be required. The Tree Survey also notes that the ice skating rink, food stalls, market stalls and site compound/offices are all situated within the root protection areas of trees and that pedestrian areas of high usage also has the potential to impact on tree roots. In order to minimise the disruption to the soil and the root system, the Tree Survey recommends the installation ground protection.
- 15.15 The Council's Tree Officer has reviewed the submitted Tree Survey and has confirmed that he is in agreement with the conclusions and recommendations of this report. The Tree Officer has advised that the extent and type of ground protection and all other associated requirements to manage the trees to facilitate the set up / use of the site for the proposal should be subject to an arboriculture method statement. This can be the subject of a condition if the proposal is granted permission.
- 15.16 The Council's Landscape Officer has confirmed that the proposal will not have an adverse impact on the landscape of Castle Park.
- 15.17 Given the above, it is considered that the proposal would not result in harm to the landscape of Castle Park and would not result in the loss of important trees. The current planning application is therefore considered to accord with Core Strategy Policy ENV1 and policies DP1 and DP21 that require development schemes to protect existing landscape features.

Residential Amenity

- 15.18 Development plan policy DP1 states that all development must be designed to avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to (amongst other things) noise and disturbance, pollution (including light and odour pollution).
- 15.19 It is acknowledged that large scale events in Castle Park have the potential to cause disturbance to nearby residents. The type of operations, the layout of the event and the proposed opening hours were discussed at an early stage with the Environmental Protection Team. The siting of the proposed activities shown on submitted layout plan reflects the advice provided by the Environmental Protection Team as part of the preliminary planning application submission. The Environmental Protection Team has confirmed that they do not wish to raise an objection to this application and consider that the amenity of local residents can be safeguarded by imposition of selected condition / informatives.
- 15.20 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1

Parking and Highway Matters

- 15.21 Castle Park's position in the heart of the Town Centre means that that it is highly accessible by a various modes of transport. The Highway Authority has confirmed that they have no objection to this proposal in terms of its impact on highway safety or capacity.
- 15.22 The applicant notes in their Design and Access Statement that access and traffic flow to the site will be key to both the event working as well as the good will of the people of the town. It is proposed that during the day all entrances and exits to the park will be open. At night the site will be closed down so that the only two entrances are through Museum Street and Cowdray Crescent. This is intended to keep as much foot traffic to the High Street and away from the surrounding streets. The surrounding streets are subject to residents parking restrictions and will be less accessible at night as the relevant gateways will be locked.
- 15.23 Whilst no conditions are recommended in respect of highway matters or parking, Members may wish to note that the applicant is working with this Council and the Essex County Council on a transport and parking strategy for this event. The applicant has confirmed that in terms of servicing, the stall operators etc will have vehicular access prior to the event being open to members of the public and they will have to park their vehicles off site after loading / unloading. With regard to visitors to the Winter Wonderland event, the Design and Access Statement states that car users will be encouraged to use the Park and Ride site during the day and in the evening use the town centre car parks. Where possible local residents will be encouraged to walk to the site or use local buses. The applicant proposes to install temporary cycles parking within the application site.

Tourism

- 15.24 Development Plan Policy DP10 seeks to promote tourism, leisure and cultural activities within the Borough. The proposal to hold a Winter Wonderland Festival with an ice rink and other attractions has the potential to attract significant numbers of visitors to Colchester. The proposed festival would serve to raise the regional profile of Colchester, boost the town centre economy and create potential jobs. The potential economic benefits of this proposal for the town are considerable.

Other Issues

- 15.25 From an operational point of view, the Street Services have advised that the following:
- the Event Application Process for the Park will need to be followed
 - the event will need to comply with the Council's Event Policy and the Castle Park Events Licence
 - An adequate bond will need to be put in place for reinstatement of the Park after the event.
- 15.26 Whilst the above are not planning matters, they will help to ensure that the event is well managed and that the grounds are restored after the event.

16.0 Conclusion

- 16.1 The proposal to hold a Winter Wonderland event at the Upper Castle Park accords with local and national planning policies and with appropriate conditions it is considered that any potential harm caused by this proposal can be suitably mitigated. The application is therefore recommended for a conditional approval.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Non-Standard Condition/Reason

The period of this permission for the operation of the Winter Wonderland event is from 26th November 2015 to 3rd January 2016 only.

Reason: For the avoidance of doubt as to the scope of this permission.

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the A4 layout drawing (1:1250) and layout plan (1:200) superimposed onto topographical survey (submitted with application) and portapath matting drawing submitted on 6 July 2014 unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological recording monitoring and mitigation (which may include the minor repositioning the attractions) has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

4 - Non-Standard Condition/Reason

No works shall take place until all all trees, shrubs and other natural features shown on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity

5 - Non-Standard Condition/Reason

All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. In the event that any trees (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

6 - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

7 -Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

8 - Non-Standard Condition/Reason

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 6 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority

Reason: To protect trees on the site in the interest of visual amenity.

9 - *Restriction of Hours of Operation

Unless otherwise agreed in writing with the Local Planning Authority, the use hereby permitted shall not be open to customers outside of the following times:

- Monday to Saturday 10:00 to 22:00
- Sundays and Public Holidays: 10:00 to 21:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site and for the avoidance of doubt as to the scope of this permission.

10 - *Restricted Hours of Delivery

Unless otherwise agreed in writing with the Local Planning Authority, no services deliveries shall be received at the site outside of the following times:

- Monday to Sunday 08:00 to 10:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

11 - Non-Standard Condition/Reason

No flashing lighting shall be used at anytime and all lighting associated with this permission shall be directed away from residential premises and shall shine into a residential premises.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

12 - Non-Standard Condition/Reason

All music shall be directed away from residential properties and any music from the site shall not exceed a 15-min Laeq of 55dB at the site of boundary with residential properties.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

13 - Non-Standard Condition/Reason

All games for the stalls shall be of a quiet nature and shall not be inaudible at the site boundary.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) For clarification the hours of operation relate to the Winter Wonderland event and not the opening of the park for casual use.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.