



**Application No:** 151331

**Location:** Eld Lane Square, Colchester

**Scale (approx):** 1:1250

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**7.3 Case Officer: Simon Cairns**

**Due Date: 05/10/2015**

**MINOR**

**Site:** Eld Lane Square, Colchester

**Application No:** 151331

**Date Received:** 25 June 2015

**Agent:** Mr Adam Kindred, CBRE

**Applicant:** Miss R Duffield

**Development:** Erection of a cafe unit (use class A3) together with ancillary external seating area, public realm enhancements and ancillary services; including removal of two trees, at Eld Lane Square.

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because a significant number of objections have been received and the application, although not a Major application, has attracted some controversy. A late request for “call-in” was received from Cllr Josephine Hayes. The grounds raised are: - loss of tree, impact on setting of listed buildings, Town Walls & Conservation Area; - Concerns over noise adjacent to places of worship.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the impact of the development on the setting of nearly listed buildings, the character of the conservation area and the operation of adjacent places of worship.

## **3.0 Site Description and Context**

- 3.1 Eld Lane Square was created as part of the Lion Walk redevelopment through the demolition of the former Victorian United Reformed Church. The existing square was created from the site of the former church and associated yard. The former church tower is retained as a feature in Lion Walk. The application site is located in the north east corner of the square; bounded by the retail unit occupied by River Island to the north west, the substantial Eld Lane Baptist Church to the north east and historic Eld Lane to the south. The site presently comprises an area of paved terrace forming an indenture between the octagonal-shaped River Island retail unit and the front elevation of the adjacent grade II listed Baptist Church. The site sits immediately in front of the fire escape to the United Reformed Church that occupies the upper floors above River Island. A standard variegated Norway Maple tree is sited at the centre of the application site set within the existing paving with two benches set within the space. .

## **4.0 Description of the Proposal**

- 4.1 The proposal comprises a single storey pavilion of substantially glazed form attached by a masonry link to the blind south east face of the octagonal shaped retail unit (River Island). The proposed development is for A3 (café) use. The proposed servery is set within the masonry link section with a seating area within the proposed glazed pavilion. The attached masonry linking section is designed to read as a screen wall that runs parallel to the buttress that defines the south eastern corner of the octagon. This masonry section is faced in Kentish Ragstone, rock-faced coursed rubble and red stock brickwork to match the detailing on the adjacent retail unit/United Reformed Church. This rear/side elevation would obliquely address the adjoining listed Baptist Church albeit with views screened/filtered by intervening mature trees that define the boundary.
- 4.2 The existing fire escape at ground floor level that serves the United Reformed church would remain unobstructed by the proposal with a gated pathway leading from the escape into the open space of the square fronting Eld Lane. A series of seven tilted and glazed structural frames create a contemporary pavilion of concertina form with mono-pitched roof. The whole structure would project obliquely by approximately 13 metres in total with the pavilion section being 6 metres in width. The pavilion section is approximately between three and four metres in height with the highest part of the parapet screen wall being approximately 4.5 metres in height. The structure would largely occupy a dead space set between a blank face of the octagonal retail unit (River Island) and the boundary of the square adjoining the Baptist Church. The proposals provide for extensive improvement works to the wider public realm in the square. These works are extensive and include: replacement of concrete slabs with Yorkstone flags, replacement of concrete coping and reduction in height of perimeter wall to south and east edge of square with polished granite to serve as informal seating; new granite steps with stainless steel handrail in north west corner of square, a new Ragstone retaining wall to contain the existing shrubbery in south east corner of square.

## **5.0 Land Use Allocation**

- 5.1 The site is allocated for Town Centre uses (Policy DP6) and is sited within the Colchester Area Town Centre (No.1) Conservation Area.

## **6.0 Relevant Planning History**

- 6.1 None of direct relevance to the proposals.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
CE1 - Centres and Employment Classification and Hierarchy  
CE2 - Mixed Use Centres  
CE2a - Town Centre  
UR2 - Built Design and Character  
PR1 - Open Space  
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP6 Colchester Town Centre Uses  
DP14 Historic Environment Assets  
DP15 Retention of Open Space and Indoor Sports Facilities  
DP19 Parking Standards

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) 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 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Sustainable Construction  
The Essex Design Guide  
External Materials in New Developments  
Shopfront Design Guide  
Better Town Centre SPD

## 8.0 Consultations

- 8.1 **Archaeological Advisor:** comments that the proposal is located in an area of high archaeological importance within the Roman legionary fortress, colonia and later walled town. Adjacent excavations have identified important stratified Roman remains and there is good reason to suppose that archaeological remains of a similar nature will be encountered in the current site area. There is also high potential for encountering later postmedieval burials, as confirmed by the submitted desk-based archaeological assessment.
- There is high potential for encountering buried archaeological remains (and potentially further burials) at this location, given the proximity to known remains. Groundworks relating to the proposed development has the potential to cause significant ground disturbance that has potential to damage any archaeological deposits that exist.
- Our Advisor is now satisfied there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any

permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Two conditions are recommended (included in suggested conditions) in order to protect belowground archaeological remains.

- 8.2 **Highway Authority:** The Highway Authority does not raise any objections to the proposal.
- 8.3 **Environmental Protection:** Recommend that a condition be imposed restricting opening hours to Monday - Saturday 08.00 - 19.00 and Sunday 09.00 - 17.00. This is included in the suggested conditions.
- 8.4 **Arboricultural Officer:** Confirms that the submitted tree reports in support of the removal of three trees are acceptable. In particular, no objections are raised to the removal of a standard variegated Norway maple that is currently sited in the corner of the square within paving. This is reverting to type and the imposition of conditions is recommended to secure tree protection (included in suggested conditions).
- 8.5 **Landscape Officer:** Comments that he is satisfied with the landscape content of the proposals and recommends that conditions are imposed regarding landscaping and management thereof.
- 8.6 **Urban Design Officer:** Comments "There is an existing uncomfortable relationship between Sovereign Land's public (publicly accessible) space and the adjoining private forecourt of the church. This is due to the latter being primarily fenced in, whilst a side of the octagonal building turns its back on the space and lacks active frontage at ground floor in a way which leaves a leftover lifeless nook/cranny. ....In response to the above context, the proposal is successfully configured to provide active frontage facing onto and contributing to the public space in a way which might justify the loss of space...."

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's views

9.1 N/A

## 10.0 Representations

10.1 Some sixteen letters of objection and two letters of support were received from members of the public. The following points are raised by objectors:

- Increase in noise levels for residents of Eld Lane;
- Loss of trees with adverse impact on carbon and wildlife;
- No need for another café;
- Loss of tranquil urban oasis;
- Noise and fumes disruptive to worship in adjoining churches;
- Loss of car parking and occasional outdoor worship space;
- Contrary to adopted policy CE2a;

- Competition for existing traders;
- Obstruction to church fire escape
- Encourage to sit and chat disrupting worship;
- Conflict between seating and car parking;
- “Religious persecution of Christian community”;
- Will increase litter;
- Not viable;
- No provision for trade waste
- Adverse impact on burial vault beneath square.

10.2 The following points are raised in support:

- Attractive scheme to improve and develop Eld Lane Square;
- Would animate unused corner and promote enjoyment of space.

10.3 A letter of objection was submitted on behalf of River Island, the occupiers of the adjacent retail unit. The following points are raised:

- Proposal would have a negative economic impact affecting the viability and vitality of the town centre;
- Proposal would conflict with adopted national and local planning policies including Paragraph 23 of the NPPF that seeks to support the vitality of the town centre;
- Contrary to development Policy DP6 that seeks to maintain 85% A1 retail uses on each street frontage in the primary retail frontages (17 A1 units to each A3 units)
- Would result in loss of south elevation of River Island store and seating would obscure south-west frontage thereby diminishing business;
- Café would obstruct key pedestrian thoroughfare and reduce footfall thereby undermining viability and vitality of existing store;
- Adverse impact on trade could force River Island to re-assess presence in Colchester.

*(Officer Comment: The agents have issued a rebuttal statement in response to this letter of objection)*

The full text of all of the representations received is available to view on the Council’s website.

## **11.0 Parking Provision**

11.1 There is no parking proposed as part of the scheme. The introduction of a built form and reconfiguration of the seating arrangements will marginally reduce the area available for informal parking by users of the adjacent church. This is a private interest and not a material planning matter. There are many public car parks close by (including Vineyard Gate) and given the central location, the site is well served by sustainable modes of transport.

## **12.0 Open Space Provisions**

12.1 None provided or required for an A3 unit in the Town Centre.

### **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

### **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

### **15.0 Report**

#### Design and Layout

- 15.1 The proposal has been designed to animate a dead corner of an existing public square (in private ownership). The existing space is under-used as it is unattractive and lacks active frontage with a blind elevation to the retail unit occupied by River Island and a blank fire escape door serving the United Reformed Church on the upper floor. The introduction of a potentially busy café unit with outdoor seating area in conjunction with the significant planned public realm enhancement that form part of the scheme could transform the space into a very attractive place to linger and socialise.
- 15.2 The proposal comprises a bespoke and unusual pavilion form with a substantially glazed elevation addressing the square with a light and airy character. The structure would reflect the character of a kiosk rather than a masonry structure and the highly transparent elevations would add activity and help activate this under-used backwater. The proposed works to the public realm would transform the existing tired and low quality finishes into a contemporary square with a sophisticated, metropolitan flavour. The use of Yorkstone flags and polished Granite copings and paving as proposed would revitalise the square as a major asset of the town centre.

#### Compliance with Adopted Local Plan and National Policy

- 15.3 The application site is with the Town Centre policy area. Core Strategy policy CE2a seeks to support Colchester’s role as prestigious regional centre and to deliver more attractive public spaces and streetscapes in the Town Centre. The policy continues to state that “the Council will encourage developments that create safe and attractive public spaces and a more balanced night time economy”. It is considered that this proposal would directly help to achieve these aims. Policy DP6: Colchester Town Centre Uses seeks to maintain a high level of retail use (85% A1 on each street frontage) and this policy is quoted in objections submitted on behalf of River Island (the adjoining retail unit). In this instance, as the unit proposed represents the creation of an additional unit rather than the loss of an existing retail unit (A1) to café use (A3) and it is not considered to compromise this policy. The policy confirms that A3 uses will be supported where they contribute to the vitality of the town centre and would result in no more than 15% of the frontage being used for non-retail purposes with no more than three consecutive non-retail uses. In this instance the proposal would increase active street frontage and would add to vitality. It is considered that the

proposal is in conformity with the strategic aims of this policy. Furthermore, in terms of compliance with the NPPF and in particular Paragraph 23 which encourages planning authorities to pursue policies that support the viability and vitality of town centres; it is considered that the proposals would contribute to delivering these aims.

#### Impact on the Viability and Vitality of Town Centre

- 15.4 Objections submitted on behalf of River Island contend that the proposals would serve to harm the Viability and Vitality of the town centre. It is assumed that this would be as a result of an alleged adverse impact upon the trading environment of the store. This is not accepted and indeed, the creation of a more attractive public realm could in reality improve the footfall and linger time of shoppers and visitors in the locality. The development is more likely therefore to enhance the vitality and viability of the town centre.

#### Impact on amenity of Neighbouring Residential and Church Properties

- 15.5 Objections were received from a resident of Eld Lane expressing concerns regarding the impact of the proposed café on residential properties. Given the town centre location of the proposal within a busy shopping area, it is not considered that a modest café would be likely to adversely affect amenity in terms of noise and disturbance. Nevertheless, a condition restricting hours of opening is suggested by Environmental Protection and this has been included in the suggested conditions (Monday - Saturday 08.00 - 19.00 and Sunday 09.00 - 17.00)
- 15.6 The majority of objections received were from members of the congregation of the adjacent churches. These included concerns that the café would disrupt their ability to worship in peace. This is considered highly improbable and indeed such uses are to be expected in such a town centre location and many such A3 uses are already to be found in the locality. It is not accepted that the proposed development should affect the ability to enjoy quiet worship in the neighbouring churches (Eld Lane Baptist Church and the United Reformed Church). It should be noted that the square is in the ownership of the church. It has been suggested that the Church uses the corner of the square for occasional outdoor worship and that the development would preclude this in the future. This is not considered a planning matter but rather a private interest that the church needs to address directly with their tenants. The proposal also maintains access to the fire escape via a gated pathway to the eastern flank of the proposed building.

#### Impact of adjoining retail unit (River Island)

- 15.7 Objections submitted on behalf of River Island (tenants of the applicants) contend that the scheme could harm the trading position of their store and cause them to review their presence in Colchester. It is suggested that the development would obscure the retail frontage of their store and decrease footfall, and by association, sales and profitability. Whilst a planter is proposed in front of the southern shop frontage of the store, the remainder of the development would attach to a blind return elevation of the octagonal shop unit. Instead, in the opinion of officers, the improved environmental quality would enhance the attractiveness of the area to shoppers and visitors and should boost the footfall through the square. It is not accepted that the proposals would detract from the prominence or street presence of the unit and the detailed form



of the proposed planter can be controlled by landscaping condition to ensure that it is contextually appropriate.

#### Loss of Informal Parking and trees

- 15.8 The removal of three trees is proposed as part of the scheme. Only one tree (a variegated Norway Maple) is directly affected by the proposals. The Council's Arboricultural Officer has considered the submitted tree reports and agrees with their conclusions and does not raise any objections to the tree loss but suggests that conditions are imposed to provide adequate tree protection. The Council's Landscape Officer also has no objections.
- 15.9 The greatest number of objections have been received with respect to the loss of private parking within the square that currently serves the congregation of the church. Whilst it is understood that many of these users are elderly and infirm, the loss of private parking is not a planning matter but a private right that the church needs to investigate with their tenants. There are many public car parks close to the site and the potential loss of some of this parking is significantly outweighed by the public benefits of the scheme.

#### Impact on character and appearance of conservation area and the setting of listed buildings

- 15.10 The application site is located within the Colchester Town Centre Conservation Area and adjoins the grade II listed Eld Lane Baptist Church. The Planning (Listed Buildings & Conservation Areas) Act 1990 imposes a statutory duty to pay special regard to the desirability of preserving and enhancing the conservation area. This duty is reflected in the adopted Local Plan (policies DP14, ENV1, UR2). In this case, the carefully designed unit and associated enhancement of the public realm is considered to comply with this statutory duty.
- 15.11 The Eld Lane Baptist Church is an important early Victorian Church of formal character with a Neoclassical stuccoed frontage set behind a substantial forecourt. The western boundary is marked by a line of mature trees with understorey shrubbery that provides the church with a secluded setting. The majority of these trees would be retained by the proposals and understorey planting enhanced through landscaping. There will inevitably be framed and filtered views across this landscaped area from the Baptist Church's forecourt area to the return elevation of the proposals. This elevation has been designed to reflect the materials employed in the existing elevation of the Octagonal "chapter house" of the United Reformed Church. It would appear contextually appropriate and low in scale and in the opinion of officers would not adversely or materially affect the setting of the neighbouring listed building.

### **16.0 Conclusion**

- 16.1 The proposed development would in the opinion of officers enhance the vitality and quality of the public realm within the application site in conformity with adopted local and national policies and relevant statutory duties identified above.

### **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions

## 18.0 Conditions

### 1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### 2 - \*Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6196/1101, 6195/1301 and 4604-D.

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 full details of the foundation design, and associated enabling works, have been submitted to and agreed, in writing, by the Local Planning Authority. The works must minimise disturbance to below ground archaeological remains. The development shall thereafter be completed in accordance with the approved details.

Reason: In order to ensure that there is sufficient protection to the underlying archaeological features where there is insufficient information within the submitted application.

### 4 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work 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. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

## 5 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans 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.

## 6 - \*Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

## 7 -Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

## 8 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times. Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

## 9 - \*Restriction of Hours of Operation

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Monday - Saturday 08.00 - 19.00 and

Sunday 09.00 - 17.00

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, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

## 10 - Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

## 11 - Litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

## 12 - 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.

### 13 - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

### 14 - Grease Traps Required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

### 15 - Matching Brickwork

The new facing brickwork shall match the existing brickwork adjacent in respect of material, colour, texture, face bond and pointing.

Reason: In order to preserve the historic character of the conservation area.

### 16 - Sample Panel

Prior to the commencement of any works a sample panel of all new facing brickwork and stonework shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the conservation area.

### 17 - Additional Detail on Windows & Doors etc

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and structural glazed arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 18 - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

## 19 - Non-Standard Condition/Reason

Notwithstanding the details shown upon the approved drawings, no consent is implied for any advertisements and the applicant is advised that an application express consent should be submitted for any adverts that are required in due course.

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

### 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) PLEASE NOTE that the site lies within a Conservation Area where the topping, lopping, felling or uprooting of most trees cannot be carried out without first giving the Local Planning Authority six weeks notice. Failure to comply with this statutory requirement may result in prosecution.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.