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Item No: 7.1

Application: 202771

Applicant: Schroder Uk Real Estate Fund

Agent: Mr Benjamin Fox, Planware Ltd

Proposal: Alterations to car park with the erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD), Goal Post Height Restrictor and Play Frame.

Location: Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU

Ward: Mile End

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application has been call-in by Cllr Goss. The reasons for call-in:

“Concerns over increased car congestion, parking issues and environmental impact on the local area especially given this area of Colchester and in particular the retail park is a huge issue with vehicle gridlock along with North Station.”

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the development, impact on highways, environmental protection and public health.
- 2.2 The proposal would provide economic and social benefits resulting in new employment opportunities for over 65 staff. In addition, wider positive impact on the local economy are identified from the construction phase to business rates to supply chain. The proposed will also result in improvements to the public realm.
- 2.3 It is acknowledged that the application would result in more traffic generation. However, the Highways Authority has deemed this increase to be acceptable in terms of network capacity and highways safety. Therefore, there would be an increase in vehicle emissions however the applicant has taken measures to reduce this impact. There will be the loss of existing trees on the site yet this would be mitigated in part by a new landscaping scheme which would deliver replanting of trees. The proposal would introduce a new restaurant to the retail park and has the potential to facilitate the public making unhealthy choices; however the application has provided evidence on what they are doing to mitigate this potential adverse impact on public health.
- 2.4 It is considered that the benefits of the scheme outweigh any adverse impacts and the proposal is considered to be acceptable on this basis. The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is located on the Turner Rise Retail Park which includes an ASDA supermarket, Dunelm, Go Outdoors and other retail units, plus a small detached unit occupied by Pizza Hut. The ASDA store occupies a site close to the A134/ North Station roundabout with the other units are further to the east; these units are arranged in a “U” shape and enclose a central car park. The retail units can currently be accessed via a roundabout from Petrolea Close providing both access to and egress from the retail park. There is a second access further along the road which also provides both access and egress.

4.0 Description of the Proposal

4.1 The proposal comprises a freestanding restaurant with drive thru on land close to the retail park's second access, located between Pizza Hut and units 6/7. The scheme also proposes changes to nearest existing site access, including the introduction of a pedestrian and cycle path. There are also proposed wider changes to the site's central parking area.

4.2 The application is supported by the following documents and assessments:

- Design and Access Statement
- Supporting Statement
- Litter Management Plan
- Drainage Strategy
- Landscape Management Plan
- Noise Assessment
- Odour Control Assessment
- Contaminated Land Assessments
- Transport Statement
- Travel Plan
- Energy Strategy Report
- Public Health Briefing Note

5.0 Land Use Allocation

5.1 Commercial – retail park

6.0 Relevant Planning History

6.1 144667 - Development consisting of two new Retail Units (Use Class A1); two new food and drink pod units (Use Class A1 and/or A3); relocation of external display area for Unit 6/7; provision of new shared space for use for markets and other community events; alterations to vehicular access arrangements; alterations to car park layout and servicing arrangements; provision of new cycle parking and improved pedestrian and cycle links; public realm and landscaping improvements and associated works.

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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains 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
CE2b - District Centres
UR1 - Regeneration Areas
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 – Walking and Cycling
TA5 - Parking

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP7 Local Centres and Individual Shops
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Some “allocated sites” also have specific policies applicable to them. 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
SA NGA1 Appropriate Uses within the North Growth Area
SA NGA3 Employment Uses in the North Growth Area
SA NGA4 Transport measures in North Growth Area

- 7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector was appointed and the formal examination commenced in January 2018. The examination is now completed for Parts 1 and 2 of the plan. Part one of the plan has been found sound by the Inspector and has now been formally adopted. The examination of Part 2 of the ELP was undertaken in April 2021, the Council is now awaiting the Planning Inspectors comments.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage with Part 1 adopted and carrying full weight whilst Part 2 has completed its EIP but the Inspectors report is awaited. The policies in Part 2 therefore carry some weight in the consideration of the application, The degree of weight to be afforded needs to be assessed in the light of para.48 of the Framework and, in particular, the extent of unresolved issues and the materiality of these issues.

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
Sustainable Construction

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

Vehicle Parking Standards
Sustainable Design and Construction
The Essex Design Guide
External Materials in New Developments
Shopfront Design Guide
Myland Neighbourhood Plan

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways Authority:

The planning application is accompanied by a Transport Statement, the content of which has been considered by the Highway Authority in conjunction with its own knowledge of the local highway network as well as information and data available to it. The Highway Authority's overall assessment of the planning application and accompanying Transport Statement was undertaken with reference to the National Planning Policy Framework 2019. As is its remit, the Highway Authority has considered the likely impact of the proposal on the local highway network in terms of safety and capacity as well as whether it would be accessible by more sustainable modes of transport such as public transport, cycling and walking.

The Highway Authority is content the proposal would not have a detrimental impact on highway safety. In terms of highway capacity, the Highway Authority recognises the proposal is likely to generate additional new trips on the local highway network however is content the impact of these is unlikely to be severe. Given the surrounding land uses, there are opportunities for linked trips between these and the proposal site.

Given the close proximity of Colchester railway station and numerous bus services as well as the nearby cycleway, footway and Public Rights of Way network, subject to the below requirements, the Highway Authority is content there are opportunities for those working at and/or visiting the proposal site to do so using public transport, cycling and walking.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the recommended conditions.

8.3 Transport and Sustainability:

Transport statement: The document does not have any mention made of the traffic congestion in this area. Considered the estimation of 31 additional vehicles will access the site on a Saturday peak, is an under estimation.

Travel Plan: Travel Plan will be acceptable subject to the inclusion of the final points (full comments online). *Planning Officer comment: This will be secured via a planning condition.*

Cycling: The 12 spaces proposed. Approved of the separate of customer and staff parking.

Colchester Travel Plan Club: Membership of the Colchester Travel Plan should be considered.

Drive Thru: There is potential for conflict from inconsiderate drivers blocking the exit route onto Petrolea Close as they try to enter the Drive Thru, and parking across the pedestrian crossing immediately inside the barrier of the Drive Thru.

8.4 Environmental Protection:

The Council's Environmental Protection team have not objected to the proposed and have recommended a number of conditions should planning permission be granted, these include conditions to control Site Boundary Noise Levels, Fumes and Odours and Limits to Hours of Work.

8.5 Landscape Officer:

The landscape content/aspect of the strategic proposals would appear satisfactory for the most part. Landscape specifications and tree pit details can be addressed under condition as part of the detail landscape proposals.

8.6 Contaminated Land:

Previous investigative works at the site have found Chrysotile asbestos, high levels of gas and hydrocarbon. Conditions have been recommended to further assess the site, to provide a remediation scheme, implementation of the scheme and procedure for reporting unexpected contamination.

8.7 Environmental Agency

No comments received.

8.8 *Natural England*

No comments.

8.9 Network Rail

Provided guidance to the developer.

8.10 Colchester Cycling Campaign

Concerns raised: The shared cycle/pedestrian crossing, and cycleway/footway are too narrow and will lead to conflict between users. The route of the path puts cyclists and pedestrians at risk of collisions with cars at the drive-through entrance. The 90-degree bend in the path northeast of the proposed McDonald's does not meet LTN 1/20 and is virtually uncyclable.

8.11 NHS:

There are concerns as there are already existing branches of the franchise in Colchester. We do not support the application.

9.0 Parish Council Response

9.1 The Parish Council have objected stated the following:

A drive-through restaurant is inconsistent with a strategy of sustainable reduction in car use, and in fact could be seen as encouragement of more use of vehicles.

At the time of considering this application, MCC noted that the Highways Authority had not yet commented and MCC would be interested to see their comments. There are already two other McDonalds restaurants within close driving distance of this site (Cowdray Avenue and the A12 J28 services). MCC

have concerns regarding health of residents with provision of another fast-food restaurant and the litter problems that have been seen at other similar outlets. MCC note the loss of car parking spaces both for the surrounding shops and the Country Park (an entrance to which is in close proximity). MCC also have concerns about the control of odour from the restaurant creating a problem for nearby residents.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 231 objections have been received. A summary of the objections:

- Increased traffic
- 5th McDonalds in Colchester
- Adverse impact on public health
- No S106 agreement for contributions
- Litter and waste
- Highways safety (existing road conditions)
- Adverse impact of noise and disturbance
- Encourage anti-social behaviour
- Adverse impact of smell
- Parking
- Opening hours
- Vehicle emissions – air pollution & climate change

10.3 Objection from Cllr Oxford summary:

Removal of two trees.

10.4 Objection from Cllr Goss summary:

- Operating hours will result in disturbance to residential neighbours
- Exacerbate anti-social behavior at night
- Increased traffic
- Increased pollution
- Lack of sufficient parking
- Litter
- Public health

10.5 164 supporting comments have been received. A summary of the comments:

- Support Colchester's economy
- Employment opportunity
- Business rates

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility.

12.0 Air Quality

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

13.0 Planning Obligations

13.1 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 (s.106) of the Town and Country Planning Act 1990.

14.0 Report

14.1 The main issues in this case are:

- The Principle of Development
- Access and Highways Safety
- Environmental Protection
- Design, Scale and Form
- Public Health
- Planning Balance

Principle of Development

14.2 Turner Rise Retail Park is an Urban District Centre and also within a regeneration area. Policy CE2b of the Core Strategy sets out the Council's intended approach towards the development of the Borough's District Centres. The policy seeks to broaden the range and nature of uses within these designated centres providing they would meet local needs and would not prejudice the town centre. The policy suggests that Urban District Centres should provide a more diverse mix of uses. The policy also states that the intensification of centres will be supported where developments can enhance the quality of the public realm and the built environment.

14.3 Policy UR1 sets out the objectives for Colchester's Regeneration Areas, the aim of the Council is to enhance Colchester as a prestigious regional centre. The Borough Council is committed to regeneration in key centres, with the purpose of building successful and sustainable communities. Development will be supported that promotes sustainable urban living, enhances the public realm and improves accessibility. The design and scale of development will need to be sympathetic to the character of the area.

- 14.4 The development of mixed uses at the retail park is supported by the Council's policies and there has previously been permission granted for a Pizza Hut restaurant which is also a stand-alone building.
- 14.5 Planning permission has previously been granted for development of this site within the retail park; including the provision of food and drink units.
- 14.6 The proposed restaurant will provide over 65 jobs.
- 14.7 The proposed will also result in improvements to the public realm including defined pedestrian routes, a cycle/ footpath along the western part of the site, disable and parent and child spaces closer to the retail units and modifications to one of the existing accesses to the retail park.
- 14.8 Therefore, the proposed is supported in principle and complies with the Local Development Plan policies.

Access and Highways Safety

- 14.9 Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 refers to the Vehicle Parking Standards which is an adopted Supplementary Planning Document. Core Strategy Policy TA4 states the demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character. Streets and junctions should be designed to provide people-friendly street environments and to give priority to sustainable transport.
- 14.10 Many of the objections received cite traffic generation and highway safety as primary concerns.
- 14.11 The planning application is accompanied by a Transport Statement, the content of which has been considered by the Highway Authority in conjunction with its own knowledge of the local highway network as well as information and data available to it. The Highway Authority's overall assessment of the planning application and accompanying Transport Statement was undertaken with reference to the National Planning Policy Framework 2019. As is its remit, the Highway Authority has considered the likely impact of the proposal on the local highway network in terms of safety and capacity as well as whether it would be accessible by more sustainable modes of transport such as public transport, cycling and walking.
- 14.12 The Highway Authority is content the proposal would not have a detrimental impact on highway safety. In terms of highway capacity, the Highway Authority recognises the proposal is likely to generate additional new trips on the local highway network however is content the impact of these is unlikely to be severe. Given the surrounding land uses, there are opportunities for linked trips between these and the proposal site.

- 14.13 Given the close proximity of Colchester railway station and numerous bus services as well as the nearby cycleway, footway and Public Rights of Way network, the Highway Authority is content there are opportunities for those working at and/or visiting the proposal site to do so using public transport, cycling and walking.
- 14.14 Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as the relevant statutory consultees and experts on this matter their comments consequently hold significant weight.
- 14.15 The proposal requires a wider change to the central parking area, there will be an additional 4 parking spaces for the retail park and a total of 394 spaces overall. It is considered sufficient parking provision for the site having regard to our adopted standards (maximum with no minimum) and the highly accessible location of the site.
- 14.16 The site is highly accessible by walking, cycling and public transport. A Travel Plan has been submitted with the suggested amendments this will be acceptable; the Travel Plan will be secured by planning condition. There would be 8 cycle parking spaces provided for staff and customers within covered stands and a further 4 spaces in two secure cycle lockers. The proposals also includes a new east to west pedestrian/cycle link around the southern side of the car park with new crossing facilities to improve pedestrian access to the Pizza Hut and proposed McDonald's unit.
- 14.17 The restaurant would be accessed via the modified priority junction Retail Park Access from Petrolea Close. A new raised zebra crossing facility would be provided to provide a link to the existing footway/cycleway on the southern side of Petrolea Close.
- 14.18 The proposal is thus considered acceptable in terms of traffic generation, parking, access and highway safety as such the development complies with relevant Local Development Plan Policies.

Environmental Protection

- 14.19 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, daylight and sunlight.
- 14.20 Several of the objections received cite opening hours, odour and fumes, noise and disturbance, litter and waste as primary concerns.
- 14.21 The Environmental Protection team have reviewed the proposal and have recommended conditions to reduce the impact of the development to an acceptable level.

- 14.22 A litter management plan has been submitted in support of the application; this would become an approved document. The management of the restaurant will be responsible for routinely reviewing and updating the litter plan.
- 14.23 An Environmental Noise Assessment has been submitted in support of the application. It confirmed the closest residential properties to the proposed McDonalds would be at Peto Avenue to the north east, and in Clarendon Way to the south west. In addition, the assessment also considers the future receptors at the Cowdray Centre, Mason Road to the south east of the proposed McDonalds site (application reference 180045). All of these receptors are at significant distance from the proposed site. The assessment concluded that the proposal would not adversely affect the amenity of the existing (and future) residents. Noise from both the 'drive-thru' and from customer car parking activity would comply with daytime and night time WHO guidance values and is generally well below the existing noise climate. Noise emitted from the site will be control by a condition recommended by the Environmental Protection team.
- 14.24 An Odour Risk Assessment has been undertaken it concluded that whilst the size of restaurant and nature of cooking dictate a high level of odour control, in this particular situation there are no sensitive receptors likely to experience nuisance from the kitchen extract discharge. A condition has been recommended to approve suitable control measures.
- 14.25 The Environmental Protection team have recommended a condition to restrict the hours of deliveries that would be controlled by condition. No operating hours have been proposed therefore the restaurant could operate unrestricted.
- 14.26 It is accepted that the proposed would result in an increase in traffic trip generation to the site, though it is anticipated that many of the journey will be linked trips with customers visiting the wider retail park. A drive through encourages car use. Therefore, the development would result in an increase in vehicle emissions from the retail park. The applicants have mitigated this impact by the provision of a Travel Plan, provision of bike storage and no idling signs. The site is also in a highly sustainable location and there will be an improvement of the pedestrian and cycle links.
- 14.27 It is therefore considered that with the proposed conditions and mitigation the development would preserve a satisfactory level of amenity for existing residents and would accord with relevant Local Development Plan Policies.

Design, Scale and Form

- 14.28 The proposed development is a modern freestanding 2 storey building that is very much in the house style of a McDonald's restaurant and would be recognizable as such. It is considered that the design, scale and form is acceptable in its locations within the retail park adjacent to the existing free-standing Pizza Hut restaurant.

Public Health

- 14.29 A large number of the objections cite that there are already several McDonalds outlets in Colchester and that there should not be a further one because of the public health crisis with regard to obesity. The applicants have provided a Public Health and Wellbeing document which sets out the steps it has made as a business: providing people with a range of food that allows them to make a choice, providing information to help customers understand what they are eating, reformulating products to reduce saturated fat, sugar and salt. At present there is no adopted guidance, national or local policies that would prohibit certain commercial ventures because of potential impact on public health. This is a lifestyle choice for the consumer not a land use issue per se.

Trees and Landscape

- 14.30 There will be the loss of trees at the site. However, the development will facilitate a wider landscaping scheme that will replant trees. A number of the trees on the site are failing and this proposal presents an opportunity to optimise conditions for new tree establishment.

Other

- 14.31 It is understood that a new business can bring the fear of anti-social behaviour and this is an existing issue. However, conversely having a unit operating during the evening with staff present may serve to enhance the surveillance of the site and reduce anti-social behaviour.
- 14.32 Officers note that some contamination requiring remediation has been identified. It is proposed that contamination matters are to be dealt with by way of planning condition.
- 14.33 The site is within flood zone 1, the EA have not provided a comment. The site falls within the lowest risk area for flooding with less than 0.1% risk of occurrence in 100 year incidence of flood event.

Planning Balance

- 14.34 The National Planning Policy Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental.
- 14.35 The current proposal would provide economic and social benefits, the proposed would result in new employment opportunities for over 65 staff. As well as having a wider impact on the economy from the construction phase to business rates to supply chain.

14.36 It is also considered that the proposed would be in a sustainable location and would serve the customers visiting the retail park as part of linked trips as well as those making a specific journey.

14.37 The proposed will also result in improvements to the public realm.

14.38 The application has received a large number of objections. It is acknowledged that the application would result in more traffic generation. However, the Highways Authority has deemed this to be acceptable in terms of network capacity and highway safety. The increase vehicle movements will increase air pollution however the applicant has taken measures to reduce this impact. There will be the loss of existing trees on the site yet there will be a new landscaping scheme in mitigation. The proposal would introduce a new restaurant and has the potential to facilitate the public making unhealthy food choices. However the application has provided evidence on what they propose to mitigate this potential adverse impact.

14.39 The positive economic and social impacts of the proposal are judged to outweigh the negative impacts identified (trip generation, public health).

15.0 Conclusion

15.1 To summarise, it is considered that the benefits of the scheme outweigh any adverse impacts and the proposal is considered to be acceptable on this basis.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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. Premises Only for a Specific Use

The premises shall be used as a drive through restaurant, restaurant and hot food take-away only purposes only and for no other purpose.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

3. 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:

1921-DT-LP01 'Location Plan' dated 21.07.20;
1921-DT-P02-B 'Proposed Site Plan' dated 30.10.2020;
1 921-DT-P07 'PROPOSED GR, 1st & ROOF PLAN' dated 24.11.20;
1921-DT-P08 'Proposed Elevation and Section' dated 24.11.20;
1921-DT-P04-B 'Block Plan' dated 21.07.2021;
815.19.04 rev B 'Main Car Park Planting Layout' dated March 2021;
815.19.07 rev B 'Restaurant Area Planting Layout' dated March 2021;
E11-003-V01-S 'Play Of The Future';
1921-DT-P03-B 'Proposed Public Realm Improvements Plan' dated 21.07.20;
Turner Rise Retail Park, McDonalds Drive Through Drainage Strategy Rev A (1st Issue) – 2nd June 2020;
McDonald's Litter Management Plan;
Standard Patio Area Supporting Specifications&
Goal Post Height Restrictor and COD/Canopy Digital Drive Thru Lane.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

4. Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

5. Construction Management Plan

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety.

6. Travel Plan

No occupation of the development shall take place until a travel plan, in accordance with Essex County Council guidance, has been submitted to and agreed in writing by the Lpa. The agreed travel plan shall thereafter be implemented in accordance with the plan details. The travel plan shall require membership of the Colchester Travel Plan Club to be undertaken and active measures and initiatives made to promote sustainable modes of transport to and from the site.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

7. Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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, as there is insufficient information within the submitted application.

8. 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.

9. Limits to Hours of Work

No demolition or construction work shall take outside of the following times:

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hour.

10. 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.

11. 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.

12. 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.

13. Details of all landscape works

No works shall take place above ground floor slab level 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:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Tree pits, this including sustainable urban drainage based tree pit irrigation systems and self-binding stone surfacing to the tree pits in hard landscape.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.), this including bollard protection to trees in hard landscape.
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

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.

14. Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(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).

This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

15. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place 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 prepared and then submitted to and agreed, 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.

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

16. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

17. Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

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 in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. 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 in accordance with condition 16.

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

18. Validation Certificate

Prior to the first use of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 15.

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

19. Bike storage

Prior to the development hereby permitted coming in to use, design details of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and maintained/retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and sustainable transport.

INFORMATIVES

1. Colchester Travel Plan

Note: Membership of the Colchester Travel Plan should be sought.

2. 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.

3. Landscape Informative

IMPORTANT: 'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note, in this case LIS/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link)'.

4. 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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

5. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.