

19.0 Conditions – marked as tracked changes

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 unless otherwise agreed pursuant to any other conditions in this planning permission:

To be confirmed

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

3 - Access for Disabled Persons *

Prior to commencement of works above ground level, details of a scheme indicating the provisions to be made for disabled people has been submitted to and approved, in writing, by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure that convenient provisions to facilitate access for all.

4 - Materials to be Agreed *

Prior to commencement of works above ground level, 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.

5 - Surfacing Material to be Agreed *

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

6 - Non-Residential BREEAM (Part 1 of 2) *

No works shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

7 -Non-Residential BREEAM (Part 2 of 2) *

Within 6 months of the occupation of each unit hereby approved, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for that unit.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

8 - Refuse and Recycling As Shown *

Prior to the first occupation of each unit hereby approved, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve that unit. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

9 - Communal Storage Areas *

Prior to the first occupation of either the cinema or any restaurant (or public house) or active leisure unit located within either the in-line units or the leisure curve, whichever is the sooner -details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. The maintenance of the communal storage areas shall thereafter be carried out in accordance with the approved details.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

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10 – Litter *

Prior to the first occupation of the 1) the hotel, 2) the drive through restaurants 3) the rapid car charging station and 4) any other unit contained within the rest of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from that specific unit or units 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 - Non-Standard Condition/Reason - Foul Water Strategy **

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

12 - ZUM - Surface Water Drainage Scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing suitably qualified person(s) or the Lead Local Flood Authority (ECC), the statutory consultee in relation to SuDS. The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the LPA. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development.

This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If necessary, ground water monitoring should also be undertaken within the winter months.

- Limiting discharge rates to 4.6l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus-40% climate change event.

- It should be clearly shown where any flooding as seen within the calculations will sit and how it will be managed.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

13 - Non-Standard Condition/Reason - Minimise Risk of Offsite Flooding **

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved in accordance with a timescale previously agreed in writing with the Local Planning Authority.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

14 - Non-Standard Condition/Reason - Surface Water Maintenance Plan **

Prior to first occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

15 - Non-Standard Condition/Reason - Yearly Maintenance Logs *

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

16 - Non-Standard Condition/Reason - Removal of Permitted Development Rights **

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be used solely as described in the planning application submission documents and supporting materials and for no other purpose(s) in the Schedule to the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provision equivalent in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further full consideration to the appropriateness of a different use or uses on this site at such a time as any future change of use were to be proposed.

17 - Full Landscape Proposals TBA **

Prior to the commencement of works above ground level, full details of all landscape works shall be 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 TOTEM, 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

18 - 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 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.

19 – Earthworks *

No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

20 - 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.

21 - Tree and Natural Feature Protection: Entire Site *

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

22 - 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.

23 – Public Art

No works shall take place until a scheme indicating the provision of public art and including a timetable for implementation has been submitted to and approved, in writing, by the Local Planning Authority. This scheme shall thereafter be carried in accordance with the detail approved and retained as such thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that this development scheme makes a contribution to the Borough in the field of arts and culture and to enhance the appearance of the development and visual amenity.

24 - 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.

25 - Limits to Hours of Work *

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

Weekdays: 8am - 6pm

Saturdays: 8am - 1pm

Sundays and Public/Bank Holidays: Not at all

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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 hours.

26 - Restriction of Hours of Operation **

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

Weekdays: 6:30am - 2:00am

Fridays, Saturdays and on Sundays (where followed by a Bank Holiday or other statutory holiday: 6:30am - 3:30am

The hotel and drive thru units (including internal eating areas) will be a 24 hour use.

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.

Note: Premises requiring a License will need to apply to the Licensing Authority and each application will be assessed on its own merits; there is no guarantee that the above hours would be approved.

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. Note: Premises requiring a License will need to apply to the Licensing Authority and each application will be assessed on its own merits; there is no guarantee that the above hours would be approved.

27 - Restricted Hours of Delivery **

Prior to first operation, precise details of delivery hours shall be submitted to and agreed in writing by the Local Planning Authority. No deliveries shall thereafter be received at, or dispatched from, the site outside of the approved details.

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.

28 - Food Premises (Control of Fumes and Odours) *

Prior to the first use of any unit hereby approved serving hot food, 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.

29 - Grease Traps Required *

Prior to the first use of any unit serving hot food 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.

30 — Noise sensitive receptor Boundary/Facade Noise Levels **

Prior to the first use or occupation of the cinema and each active leisure unit and restaurants (excluding the drive through restaurants) and any public house hereby permitted, a competent person shall have ensured that the rating level of noise emitted from each unit's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of [or 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.

31 - Restriction of Amplified Music *

Prior to the first use or occupation of any unit hereby approved that shall provide amplified music the level of internal amplified sound shall be restricted by the installation and use of a noise-limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

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 and disturbance from amplified noise, as there is insufficient information within the submitted application.

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32 - Self-Closing Doors *

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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.

33 - Sound Insulation on Any Building **

Prior to the first use the cinema, of any and each active leisure unit or any and each restaurant unit (except for the two drive through restaurants) or any public house hereby permitted, together with any substation serving that unit or units, each unit/substation shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed 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.

34 - Light Pollution for Major Development *

Prior to the first use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

35 - Details of Floodlighting **

Prior to their installation details of any floodlighting shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to the surroundings area.

36 - Illuminated Signs

Any externally illuminated sign shall comply with the guidelines in the current "Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements".

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

37 - External Light Fixtures *

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution

38 - Non-Standard Condition/Reason – External Lighting *

All external lighting serving the buildings hereby approved shall only be illuminated during the authorised hours of opening of those buildings **unless otherwise agreed in writing by the Local Planning Authority following the submission of a specific lighting strategy.**

Reason: To control periods of illumination in order to reduce the risks of any undesirable effects of light pollution.

39 - 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.

40 - 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

41 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation) *

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

42 - 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 39, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 40, 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 41.

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.

43 - Validation Certificate *

Prior to the first OCCUPATION/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 40.

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.

44 - Oil Interceptor Required *

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage from car parking areas and roadways shall be passed through an oil interceptor or via an alternative treatment method to be agreed in writing by the Local Planning Authority.

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

45 - Ecological Survey **

Prior to the commencement of development, precise details of wildlife mitigation and enhancement measures (as referenced in the submitted ecological report dated July 2020) shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper mitigation and enhancement of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

46 - Non-Standard Condition/Reason – Electric Charging Points **

Prior to first use of the site, the electric charging points for vehicles as shown on the submitted plans shall be provided and thereafter be maintained and retained as such. Prior to first use of the site details of a mechanism for deciding the requirement for implementing the use of the additional 171 electric charging points shall be submitted to and agreed in writing by the Local Planning Authority. The approved implementation mechanism shall thereafter be complied with and any electric charging spaces so implemented shall thereafter be maintained and retained as such.

Reason: In the interest of promoting sustainable transport modes and reducing pollution.

47 – Non-Standard Condition/Reason – Construction Management Plan *

Prior to commencement of the development a construction traffic management plan, to include but 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.

48 – Non-Standard Condition/Reason – Public Transport Improvements *

~~Deleted – covered by condition 50~~

48 was 49 – Non-Standard Condition/Reason – Visibility Splay requirement *

Prior to occupation of that part of the development which utilises it, the access off United Way at its centre line shall be provided with a minimum 2.4 x 70 metre visibility splay to the right, as measured from and along the nearside edge of the carriageway. There shall be no obstructions within the splay more than 600 mms in height.

Reason: To provide adequate inter-visibility between vehicles using the access and those in existing highway in the interest of highway safety.

~~49 was 50 – Non-Standard Condition -~~

No occupation of the development hereby approved shall take place until precise details of the following shall be submitted to and approved in writing by the Local Planning Authority.

~~.....an index-linked contribution towards an improved bus service or services at and/or in the vicinity of the proposal site-~~

~~c.b.~~ on site bus stop locations as shown in principle on planning application drawing C174 / 3005 pl1 produced by CMP Architects

c. a specification which shall accord with Essex County Council's specification for the bus stops mentioned under b) above

d. up to two new off-site or improved existing off-site bus stops if required and;

e. an on-site bus turn around facility as shown in principle on planning application drawing C174 / 3005 pl1 produced by CMP Architects

The approved details shall thereafter be implemented prior to occupation of the development hereby approved (save for the occupation of the hotel, the drive thru restaurants and/or the electric vehicle charging station).

~~point a) will be covered by the s106 so is not needed.~~

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

50 was 51. - Access Arrangements

No occupation of the drive thru restaurants and/or the electric vehicle charging station shall take place until the access arrangements off the southern roundabout at Junction 28 on the A12 as shown in principle on the planning application drawings have been provided or completed

Reason: To protect highway efficiency of movement and safety.

51 was 52. No occupation of the development (save for the occupation of the drive thru restaurants and/or the electric vehicle charging station) shall take place until the following have been provided or completed:

- a) the vehicle access arrangements, including lay-by in United Way, as shown in principle on planning application drawing C174 / 3005 p11 produced by CMP Architects
- b) the Tower Lane cycle and pedestrian link as shown in principle on planning application drawing 841_PL_001 P03 produced by PLACE
- c) a crossing facility on United Way as shown in principle on planning application drawing number 3776-WSP-00-GF-DR-TP-0006 produced by WSP and;
- d) an overarching site wide Framework Travel Plan in accordance with Essex County Council guidance

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

53. Within 12 months of occupation of the development (save for the occupation of the hotel, the drive thru restaurants and/or the electric vehicle charging station), the lane allocation road markings and signs on the Via Urbis Romanae north approach to the United Way/Axial Way roundabout as shown in principle on the planning application drawings shall be completed unless an alternative junction improvement scheme has already been completed as part of planning application reference 190665.

Reason: To protect highway efficiency of movement and safety.

Additional conditions

Prior to occupation of each restaurant and active leisure unit here approved, a plan shall be submitted to and approved in writing by the Local Planning Authority confirming the position of the internal dividing walls, shown indicatively on drawings C174/3014/pl2 and C174/3026/pl2 and the area of the unit relative to the total quantum of floorspace approved for that use.

Comment – to pick up the point of flexibility set out within the Planning Statement

Additional condition

Prior to the internal fit out of any Public House use/unit commencing, the location and size of that unit shall be agreed in writing with the Local Planning Authority.

Comment – to pick the point of flexibility set out within the Planning Statement

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) – 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.

(3) – 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.

(4) Informative on Noise and sound Insulation Competent Persons *

PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

(5) – Informative on Section 106 agreements *

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(6) – Informative on works affecting Highway land**

PLEASE NOTE: No works within or affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

(7) Informative on Public Rights of Way *

PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563. (ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network. (iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

(8) – Informative on Bats *

PLEASE NOTE that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.

(9) Non Standard Informative *

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

(10) - Non Standard Informative *

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting may be obtained from ECC as Lead Local Flood Authority.
- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- You may require ordinary watercourse consent for the removal of the ditch and any works to existing ditches. Please see the following link:
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/apply-for-a-watercourse-consent/>

(11) - Non Standard Informative **

The applicant's attention is drawn to the contents of the Anglian Water letter received on this application. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

(12) -ZU1- Informative SUDS Suitably Qualified Person

A Suitably Qualified Person(s) must have a background in flood risk and be assessed by staff at Essex County Council before reviewing and providing any supporting statements to say that an application is technically acceptable. The assessment of a suitably Qualified Person will be carried out by members of the Development and Flood Risk team and may be liable to a charge. Following the initial assessment of a Suitably Qualified Person(s) subsequent reviews will take place and if deemed necessary Qualified Person status may be withdrawn or the person(s) assessed may be required to carry out further training and assessment at additional charge. The applicant may use ECC SuDS Planning Written Advice service

to have their FRA/ Drainage strategy reviewed to provide a formal letter confirming this is acceptable issued. Further details on the SuDS Planning Advice service can be found at: <https://flood.essex.gov.uk/new-development-advice/apply-for-suds-advice/>

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.