



Application No: 162005

Location: Land west of Stanway Western Bypass and north of London Road, Stanway

Scale (approx): 1:2500

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7.3 Case Officer: Lucy Mondon Date Expires: 03/11/2016

MAJOR

Site: **Land west of Stanway Western Bypass and north of London Road, Stanway, Colchester, Essex**

Application No: **162005**

Date Received: 4 August 2016

Agent: Miss Jessica Ferguson, MRPP

Applicant: The Churchmanor Estates Company Plc

Development: Application for removal or variation of condition 8 following grant of planning permission 150945.

Ward: Stanway

Summary of Recommendation: Conditionall Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes a major planning application which is recommended for approval where objections have been received.

2.0 Synopsis

- 2.1 The key issue explored below is the impact that the proposed earlier opening time for one of the permitted units would have upon residential amenity.
- 2.2 The report describes the site, the proposal, and its planning context, as well as the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 The application relates to the northern section of a site known as 'Stane Park', which is an area of land to the north of London Road and west of the Sainsburys store in Stanway. The development benefits from planning permission by virtue of a recent appeal decision (ref: APP/A1530/W/15/3139491) and consists of three restaurants, two of which have drive-through facilities. Together with the southern part of the site (also benefitting from planning permission by virtue of a recent planning appeal decision ref: APP/A1530/W/15/3139492) it forms part of a wider development which in total comprises six units: a pub/restaurant; 3 restaurants; and 2 restaurants with drive-through facilities. In his decision, the Planning Inspector concluded that 'there would be no unacceptable loss of employment land, either in quantitative or qualitative terms,

and that the proposals pass the sequential test. There would be some harm arising from conflict with the development plan, from the significant level of car-borne customers and to the setting of a listed building. However, the totality of that harm is limited and is significantly outweighed by the benefits of the schemes [as identified above]. There is conflict with the development plan but in respect of both appeals this is outweighed by the other material considerations. I conclude that both appeals should succeed.'

3.2 In respect of the planning conditions imposed, the Inspector made the following comments:

The main parties put forward lists of suggested conditions and these were discussed in some detail at the Inquiry. I have identified the approved plans for the avoidance of doubt. I have included Drawing No 13-0134/0-638 in the list of Appeal A plans as this provides details of the plans and elevations of the cart lodge. I have imposed conditions in respect of external materials, landscaping and the use of outdoor spaces in the interests of the visual amenities of the area. The access and egress arrangements specified in the application need to be provided in the interests of highway safety and the living conditions of London Road residents. The bus gate to the Wyvern Farm housing site need to be provided to ensure a co-ordinated approach to public transport provision.

A code of construction statement; limitations on the hours of working, operation and times for deliveries; the provision of self-closing doors; measures to control fumes; limitations on noise at the site boundaries; the provision of details and subsequent implementation of a litter management scheme; details of the use of outdoor spaces; and details of external lighting are necessary to protect the living conditions of nearby residents. An archaeological watching brief is necessary to safeguard archaeological assets in the area. Drainage details need to be submitted and approved as no such details have been provided and to minimise the risk of flooding.

I have imposed conditions restricting permitted development rights and the provision of additional commercial floor space in order that the Council may consider the implications, including highway and parking implications, of increasing the density of the development. For the same reasons I have imposed a condition prohibiting the sub-division of the units. I have imposed a condition removing permitted development rights in respect of changes of use. This condition limits the use of each of the individual units to the use applied for. This ensures that the development accords with the terms of the planning applications and prevents the units being used for other purposes, such as for retail use, which could impact adversely on the town centre. I have amended the Appeal B suggested condition to reflect the uses sought and now permitted.

I have imposed the reduced condition concerning contaminated land as suggested by the appellants as the lengthier conditions contain much advice on the types of information that may be necessary in such a scheme. The highway works, although specified on the plans, need to be the subject of conditions to ensure that they are carried out before trading commences.

3.3 Following the appeal decision, the Planning Inspectorate issued corrections to conditions 2 and 25. These corrections have been incorporated into the recommended conditions set out in section 18.0 of this report.

4.0 Description of the Proposal

- 4.1 The application seeks to vary condition 8 of planning permission 150945 to enable an earlier opening time of 7am for Unit 4 of the development. Unit 4 is located to the north-eastern part of the site and is shown as being intended for a Starbucks on the masterplan submitted.

- 4.2 Condition 8 currently states:

The uses hereby permitted shall not operate outside of the following times:

Weekdays: 08:00-23:30

Saturdays: 08:00- 23:30

Sundays: 08:00-23:00

The application seeks to amend the condition to stipulate the following:

The uses hereby permitted shall not operate outside of the following times:

Weekdays: 08:00-23:30

Saturdays: 08:00- 23:30

Sundays: 08:00-23:00

Other than in the respect of Unit 4 which shall not operate outside the following times:

Weekdays: 07:00-23:30

Saturdays: 07:00- 23:30

Sundays: 07:00-23:00

- 4.3 All other elements of the development would remain as currently approved.

5.0 Land Use Allocation

- 5.1 The site is located within a Growth Area and a Strategic Employment Zone.

6.0 Relevant Planning History

- 6.1 There have been a number of planning applications relating to the site since 1995. However, the recent appeal decision (ref: APP/A1530/W/15/3139491) is the most relevant as it allowed planning permission for the development to which this application relates: one restaurant and two drive-through restaurant/café units (which will also facilitate the consumption of food and drink on the premises) with associated car parking, landscaping, access and servicing. Details of the decision are included in section 3.0 of this report. The appeal decision can be read in full on the Council's website, under planning reference 150945.
- 6.2 The southern part of the site was granted planning permission under appeal reference APP/A1530/W/15/3139492 (Council planning reference 146486) for: one pub/restaurant (with ancillary residential accommodation) and two restaurant units, with associated car parking, landscaping, and "cart lodge".

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres
- CE2a - Town Centre
- CE2b - District Centres
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 – Parking
- ENV1 – Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP6 Colchester Town Centre Uses
- DP7 Local Centres and Individual Shops
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below also will be taken into account in the decision making process:

- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA3 Employment and Retail Uses in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Cycling Delivery Strategy
Stanway Joint Design Statement and Village Plan
Tollgate Vision Statement

8.0 Consultations

- 8.1 Environmental Protection: No objection.
- 8.2 Contaminated Land Officer: No comment.
- 8.3 Highway Authority: The Highway Authority has no comments to make on the proposal from a highway and transportation perspective.
- 8.4 The following consultees have not responded:
Environment Agency
Colchester Archaeological Group
Technical Fire Safety Service
Essex County Fire and Rescue
Essex Bridleways Association
The Ramblers Association
Openreach (BT)
Planning Policy

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

9.0 Parish Council Response

- 9.1 No comments received.

10.0 Representations

- 10.1 Two letters of objection have been received, although they do not specifically refer to the condition intended for variation. The contents of the letters of objection are summarised as follows:
- Insufficient provision for cyclists: request that wide designated cycle paths, with links to local residential areas and town centre routes, and cycle racks throughout the development are provided;
 - The development would make existing traffic issues worse; and
 - The development will affect the town centre, which has been slowly dying for some time.

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

11.0 Parking Provision

- 11.1 Parking provision remains unaltered from the permitted scheme.

12.0 Open Space Provisions

- 12.1 The landscaping of the site, pocket park, and play area remains unaltered from the permitted scheme.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 No planning obligations were required as part of the appeal decision.

15.0 Report

- 15.1 There have not been any material changes in circumstance since the appeal decision on 4th July 2016 and, as such, the proposed development is considered to be acceptable in accordance with that decision. The main planning consideration in this case is whether the proposed earlier opening time for Unit 4 is acceptable in terms of residential amenity.
- 15.2 Unit 4 would be located to the north-east of the site, adjacent to an existing roundabout, and would not be in close proximity to residential properties, the nearest property being over 80 metres away. As such, the earlier opening time of 7am (as opposed to 8am for the remaining units) is not considered to have a detrimental impact upon residential amenity in terms of noise and disturbance from customers and/or staff. The Council's Environmental Protection team have been consulted as part of the application and do not have any objections to the earlier opening time for Unit 4. All other conditions necessary to protect residential amenity (i.e. a code of construction statement; limitations on the hours of working, operation and times for deliveries; the provision of self-closing doors; measures to control fumes; limitations on noise at the site boundaries; the provision of details and subsequent implementation of a litter management scheme; details of the use of outdoor spaces; and details of external lighting) would remain as part of the permission.
- 15.3 For clarity, the Local Planning Authority considers it necessary to amend condition 1 so that the time limit for implementing the decision in the planning permission accords with the three year time limit established in the appeal decision.
- 15.4 Two letters of objection have been received that are concerned with the level of provision for cyclists, traffic implications, and the impact of the development upon the town centre. All of these matters were considered as part of the Planning Inspector's decision and it is considered that there is no change in circumstance specific to either the site or proposal that would lead the Local Planning Authority to reassess these matters.

16.0 Conclusion

- 16.1 Due to the location of Unit 4, being away from residential properties, the earlier opening time of 7am is not considered to have a detrimental impact upon residential amenity in terms of noise and disturbance and it is considered that the condition can be amended as proposed by the applicant.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Non-Standard Condition/Reason

The development hereby permitted shall begin no later than 4th July 2019.

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 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings, except where they are required to be amended as required by conditions 16 (Landscaping) and 24 and 26 (Highway Improvements) of this permission.

Location Plan 14-0262/0-600

Design Brief 14-0262/0-601 Rev A

Proposed Site Plan 14-0262/0-602 Rev D

Proposed Site Elevations 14-0262/0-604 Rev A

Unit 3 - GA Plans 14-0262/0-610 Rev B

Unit 3 - GA Elevations 14-0262/0-611 Rev C

Unit 4 - GA Plans 14-0262/0-620 Rev A

Unit 4 - GA Elevations 14-0262/0-621 Rev A

Unit 4 - Proposed Sections 14-0262/0-622 Rev A

Unit 5 - GA Plans 14-0262/0-630 Rev C

Unit 5 - GA Elevations 14-0262/0-631 Rev B

Unit 5 - Proposed Section 14-0262/0-632 Rev C

London Road Widening F171/SK/302 Rev A

Chameleon Material Samples 20150213DJ001

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

3 - Non-Standard Condition/Reason

Notwithstanding such detail as has been previously provided to support the planning application no works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials; joinery details and external hard landscaping 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.

4 - Non-Standard Condition/Reason

No part of the development hereby permitted shall open for trade until the highway and access works, signage, uni-directional barrier and parking spaces shown on Drawing Numbers 13-0134/0-605 Rev F and F171/SK/302 Rev A have been provided and are fully operational. Such facilities shall thereafter be retained for as long as the development, or any part of it, remains unless agreed in writing by the Local Planning Authority.

Reason: In order to ensure that appropriate access arrangements are provided and thereafter retained in the interest of maintaining highway safety and efficiency and in order to safeguard the amenity of residents living opposite the development on London Road.

5 - Non-Standard Condition/Reason

No part of the development hereby permitted shall open for trade until:

a) Detailed drawing/s of the bus gate design and arrangements shown in preliminary detail on submitted Drawing Number 14-0262/0-602 Rev D have been submitted to and approved by the Local Planning Authority, and

b) The bus gate access arrangements have been provided to the boundary of the site so as to be co-terminus with the equivalent section of bus-gate being provided by the relevant developer of the Wyvern Farm development. Once connection is made the bus-gate access shall remain freely available for use for the intended purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority is satisfied that appropriate detail has been agreed and is implemented to facilitate enhanced public transport connectivity through this estate to adjacent development which will be similarly required to facilitate bus connectivity in a co-ordinated approach.

6 - Non-Standard Condition/Reason

Prior to commencement of the development the developer shall submit a code of construction statement for approval to the Local Planning Authority. That statement shall include details of the following:-

- Pre- and post-opening maintenance arrangements at the developer's expense for roads, kerbs, paths, lights, dog and litter bins, public realm, landscaping and the public realm generally.
- Arrangements for the prominent display in a publicly accessible location of the following:
 - Site manager contact details. (email and telephone)
 - Out of hours contact details for the reporting of problems during construction
 - The display of the planning permission and all associated conditions and an approved layout drawing
 - Summarised build programme
- Compound location
- Overall build programme
- Site parking arrangements
- Routing plan arrangements for construction and construction related traffic
- Dust suppression
- Tyre washing
- Concrete plant location
- Noise suppression (vehicles reversing alarms)

- Site manager contact details for residents
- Top soil mound positions
- Local newsletter arrangements and catchment
- Floodlighting
- Fuel storage arrangements

Development shall not proceed until such details have been agreed in writing by the Local Planning Authority and thereafter the developer shall comply with such detail as shall have been agreed.

Reason: In order to safeguard the amenity of existing local residents living in the vicinity of the site

7 -Non-Standard Condition/Reason

No construction work other than of internal works to a completed shell with windows and doors in place shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No working.

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.

8 - Non-Standard Condition/Reason

The uses hereby permitted shall not operate outside of the following times:

Weekdays: 08:00-23:30

Saturdays: 08:00- 23:30

Sundays: 08:00-23:00

Other than in the respect of Unit 4 which shall not operate outside the following times:

Weekdays: 07:00-23:30

Saturdays: 07:00- 23:30

Sundays: 07:00-23:00

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

9 - Non-Standard Condition/Reason

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:00-23:00

Saturdays: 07:00-23:00

Sundays: 07:00-23:00

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

10 - Non-Standard Condition/Reason

Prior to 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.

11 - Non-Standard Condition/Reason

Prior to the 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 5dB(A) 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

12 - Non-Standard Condition/Reason

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.

13 - Non-Standard Condition/Reason

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 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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.

14 - Non-Standard Condition/Reason

Beyond that described in the supporting lighting strategy and provided as so described no additional external lighting shall be installed unless it has first been 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 lighting 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.

15 - Non-Standard Condition/Reason

Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

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 - Non-Standard Condition/Reason

Notwithstanding such landscaping details as have been submitted, further details of proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be carried out in full prior to the end of the first planting season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that the landscaping provided appropriately complements the setting and context of this site. The scheme as submitted contains a number of elements that are considered unsuitable or lacking in sufficient detail to ensure that appropriate quality standards are met.

17 - Non-Standard Condition/Reason

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 for as long as the development, or any part of it, remains unless otherwise agreed in writing by the Local Planning Authority.

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.

18 - Non-Standard Condition/Reason

The developer shall afford access at all reasonable times to any archaeologist, nominated by the Local Planning Authority, provide ten working days notice of any excavations and allow him/her to observe those excavations and record items of interest and finds.

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

19 - Non-Standard Condition/Reason

Notwithstanding the definition of development provided by s55 of the Town & Country Planning Act 1990 no additional floorspace shall be created within any part of any voidspace within any building or buildings without the prior written approval of the Local Planning Authority.

Reason: The council wishes to ensure that it is able to consider the planning implications that arise from any increase in commercial floorspace within this development. This is particularly so because a number of units within the development have high ground to eaves levels but only ground floor accommodation is currently proposed. Increased floorspace expansion is likely to have traffic and parking implications that need to be considered in terms of possible mitigation before such expansion can occur.

20 - Non-Standard Condition/Reason

No works shall take place until details of surface water and foul water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: The application contains insufficient drainage information to properly assess the impacts of the development on drainage and in order to minimise the risk of flooding.

21 - Non-Standard Condition/Reason

No outdoor space or spaces shall be used for the purpose hereby permitted within the buildings unless and until an outdoor area management plan has been submitted to and agreed in writing by the Local Planning Authority. This plan shall include details of:

- physical extent of such areas as defined on a site plan
- intended use of such areas

The defined outdoor space shall only be used for the prescribed purposes between the hours of 08:00-23:00.

Reason: The drawings submitted with the application suggest that some parts of the outdoor areas may be used for outdoor eating and drinking but this level of detail is too vague for a proper assessment of the impact of such activity on the amenity of adjoining residential premises to be made. It is therefore appropriate to require further information in this regard before any outdoor use is permitted.

22 - Non-Standard Condition/Reason

The permission hereby granted is for the use stated below within the unit specified only and no other use; including any use which may currently or at any future date constitute a permitted development change of use as described in the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any Order or Instrument amending, revoking or replacing that Order:

Unit 3: A3 (restaurants & cafes) as a restaurant;

Unit 4: Mixed A5 (hot food takeaway) /A3 (restaurants & cafes) as a drive through restaurant with seating; and

Unit 5: Mixed A5 (hot food takeaway) /A3 (restaurants & cafes) as a drive through restaurant with seating.

Reason: The site sits outside of any designated area within the Adopted Development Plan as appropriate for A1 (shop) retail or other 'town centre' uses. It is therefore appropriate to restrict the ability to change uses through the exercise of permitted development powers in order to ensure that the Councils Strategic retail objectives are not prejudiced by unforeseen changes in the character of activity at Stane Park which could further prejudice the viability and vitality of the Town Centre. In addition it is considered appropriate to control the mix of A3-A5 in order to ensure that the site does not become more unsustainable through the creation of a car-based custom destination.

23 - Non-Standard Condition/Reason

23. The permission hereby granted is for the units specified in the approved plans. There shall be no sub-division or intensification of any units without prior planning approval; including any alterations which may at a future date constitute permitted development as described in the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any Order or Instrument amending, revoking or replacing that Order.

Reason: The site sits outside of any designated area within the Adopted Development Plan as appropriate for 'town centre' uses. It is therefore appropriate to restrict the ability to change the approved scheme through the exercise of permitted development powers in order to ensure that the Councils Strategic retail objectives are not prejudiced by unforeseen changes in the character of activity at Stane Park which could further prejudice the viability and vitality of the Town Centre and ensure that the site does not become more unsustainable through the creation of a car-based custom destination.

24 - Non-Standard Condition/Reason

Prior to commencement of the development revised details shall be submitted to and approved in writing by the Local Planning Authority to show the following:

The link located off London Road adjacent the bus shelter and cycle parking and the link off the Stanway Western Bypass immediately north of Unit 2 as minimum 3 metre wide shared footpath/cyclepaths. The development shall be carried out in accordance with the approved plans.

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

25 - Non-Standard Condition/Reason

No part of the development shall open for trading until the following have been provided or completed:

- a) A bell mouth access as shown in principle on the application drawings. Access to include but not limited to a minimum 70 x 2.4 x 70 metre visibility splay
- b) The works shown on drawing F171/SK/302 Rev A have been completed.
- c) Upgrading (and possible relocation) of the two bus stops located west of the Stanway Western Bypass/London Road roundabout to current Essex County Council specification to include but not limited to real time passenger information (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) A minimum 3 metre wide shared footway/cycleway along the length of the proposal site's southern frontage onto London Road (to link with the 3 metre wide shared footway/cycleway attached to the Wyvern Farm planning permission (ref. 145494) and the 3.5 metre wide shared footway/cycleway alongside the Stanway Western Bypass
- e) An employee travel plan

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.

26 - Non-Standard Condition/Reason

Notwithstanding the submitted drawings, prior to commencement of the development revised drawings shall be submitted to and approved in writing by the Local Planning Authority to show the following:

- a) The footways on all sides of the site access infrastructure, including new roundabout and arms off, from the Stanway Western Bypass onwards as minimum 3 metre wide shared footway/cycleways.
- b) The splitter islands at the new roundabout being wide enough to accommodate a cyclist
- c) The link to the adjacent Wyvern Farm planning permission [ref. 145494] being a minimum 3 metre wide shared footpath/cyclepath

No occupation of any part of the development shall take place until the works described above have been provided or completed.

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.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

(3) 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.

20.0 Positivity Statement

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