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Item No: 7.2

Application: 212943

Applicant: Tom Noble

Agent: Mr Robert Pomery

Proposal: Erection 3No. Commercial Units (Class E) and car parking.

Location: Land to the rear of 6 - 12 Villa Road, Stanway, Colchester,
CO3 0RH

Ward: Stanway

Officer: Nadine Calder

Recommendation: **Approval subject to conditions**

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it has been called in by Councillors Dundas, Hagon and Scott-Boutell.

1.2 Councillor Dundas provided the following reasons for his call in:

- I am generally in favour of this scheme however it includes a vital foot/cycle path between Tollgate and Villa Road.
- I am in favour of it as long as a permanent public right of way is confirmed/granted over the land along the proposed route as indicated on the plans and it is ensured future owners or tenants cannot withdraw this right at any time in the future.
- If this is confirmed and/or made a condition of the planning approval I will withdraw the call in request.

1.3 Councillor Hagon's main reasons for referring the application to the Planning Committee are:

- Design – Roof design not in keeping with local area [Officer note: the design has since been amended]
- Design – no space indicated for trade waste collection points.
- Design – fire exit routes not clearly indicated / meeting point / assessed by fire authority.
- PRoW / Design – pathway appears realigned to areas used as RoW for many years, however no formal PRoW has been confirmed across the site from Villa Road to Tollgate East.
- Design – Placement of accessible parking provision.

1.4 Councillor Scott-Boutell referred the application to the Planning Committee for the following reasons (revised reasons following receipt of amended plans):

- The cyclist dismount sign would not work;
- The conspicuously surfaced material, being clearly delineated is insufficient;
- The path is inadequate, unenforceable and the layout fails to protect all users who have historically used the existing Parish Council footpath as well as the additional pedestrian and cycle traffic generated within the highway as a result of the proposed development.

2.0 Synopsis

2.1 The key issues for consideration are the principle of the proposed commercial development of the site, its design, impact on surrounding area and neighbouring occupiers as well as highway safety. The proposal has been carefully assessed having regard to these matters and where necessary, amendments were secured (design, site layout and the proposed footway), resulting in the scheme now put before Members being considered to be acceptable.

2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The site is located to the rear of Nos 6-12 Villa Road, Stanway which is a small terrace of commercial uses, including a library, restaurant and convenience store, with a car park to the rear. An unadopted footway runs through the site, providing access from Villa Road (to the east of the site) to Tollgate East (to the west of the site). The site has no formal use, although it was previously maintained by the Parish Council as a Drought Garden. Given the tucked away nature of the site, the garden attracted antisocial behaviour and has since been temporarily boarded up.
- 3.2 To the north, the site adjoins the rear garden of No. 4 Villa Road, while to the south lies the residential garden and car parking for the flat above the commercial unit at 14 Villa Road. Commercial uses along Tollgate East lie to the west of the site.
- 4.0 Description of the Proposal
- 4.1 The application seeks planning permission for the construction of a single storey terrace of three business units (Use Class E) with seven parking spaces to add to the existing parking provision on the neighbouring land, which is owned by the applicant.
- 4.2 The three units are similar in size ranging from 62m² to 75m². The design of the terrace is contemporary, and the building is proposed to have a flat, green sedum, roof.
- 4.3 It is also proposed to improve the existing link between Villa Road and the Tollgate Centre to create a more direct and convenient footway for pedestrians and cyclists.
- 5.0 Land Use Allocation
- 5.1 The site is allocated as a Neighbourhood Centre within the adopted Local Plan, however, within the Emerging Local Plan, the site does not benefit from any allocation.
- 6.0 Relevant Planning History
- 6.1 There is no planning history that is particularly relevant to this current proposal.
- 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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

7.3 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

UR2 - Built Design and Character

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

7.4 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

DP14 Historic Environment Assets

DP17 Accessibility and Access

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

7.5 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: Unallocated and consequently n/a

7.6 The site does not lie within a Neighbourhood Plan Area.

7.7 Submission Colchester Borough Local Plan 2017-2033:

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo full and final examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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 and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to complete examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

External Materials in New Developments

EPOA Vehicle Parking Standards

Sustainable Construction

Managing Archaeology in Development.

Stanway Joint Design Statement and Parish 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 The Arboriculture Officer was concerned that the layout and amount of parking (as originally proposed) means that trees that could be retained will have to be felled. There is very little scope for replacement on the site, as such it would be a net loss.

8.3 The Archaeological Adviser raised no objection to the proposal.

8.4 Environmental Protection raise no objection to the proposed development subject to conditions, including the provision of a Construction Method Statement; limits to the hours of work; restriction of hours of operation; restriction of hours of delivery; the submission of a noise report; provision of

details to control fumes and odours for food premises; any lighting to comply with adopted guidance; and the submission of details of the management company responsible for the maintenance of communal storage areas. They also recommend that EV charging point infrastructure be provided and that a close-boarded fence of 2m in height is erected along all boundaries with existing residential premises.

8.5 The Landscape Adviser requested that the site layout be revised to retain hedge/tree line G1 to avoid potential harm to the existing and future character/amenity of the site and its environs and to continue its important role softening and acting as a termination point to Tollgate East.

8.6 The Highway Authority, having objected to the originally submitted scheme, raises no objection to the amended proposal subject to conditions, including the provision of details regarding the design of the proposed footway; details of the proposed cycle storage; the provision of a Construction Management Plan; the car parking area to be hard surfaced, sealed and marked out in parking bays prior to the development being occupied; and the provision of two “cyclist dismount” signs.

9.0 Parish Council Response

9.1 The Parish Council, in response to the amended plans, have stated that they agree in principle with the development of the area but strongly object to the current proposal. The shared vehicular access with pedestrians and cyclists travelling in both directions is highly dangerous. It is overdevelopment for the footprint of the area, aesthetically unpleasant, loss of public open space and not in keeping with this part of Stanway. The Parish Council request that a 4m wide pedestrian/cycle path be retained which is clearly separate from vehicles.

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 of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

10.2 The consultation exercise resulted in one letter of objection from Colchester Cycling Campaign (to the original submission), with the following concerns being raised, in summary:

- Would like to see better cycle and pedestrian permeability between the site and Tollgate East;
- Width of the shared used path should be at least 3m;
- Conflict with vehicles;
- There should be secure, convenient, covered cycle parking for customers, with long stay provision for staff, and space for non-standard cycles.

11.0 Parking Provision

11.1 The application forms part of a wider commercial site with existing vehicular access from and a car park provided off Villa Road. The proposal would make provision for seven car parking spaces and seven cycle spaces.

12.0 Accessibility

12.1 The proposed development includes the construction of three single storey commercial units. The proposed reconfiguration of the existing footway with a more direct path would improve navigation along the path for all users of the footway.

13.0 Open Space Provisions

13.1 The proposed development includes a number of small pockets of informal open space which are proposed to be laid to grass.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 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.

16.0 Report

Principle of the Development

16.1 The site lies in the defined settlement limits for Colchester and in an area that is identified as a Neighbourhood Centre within the adopted Local Plan. The Emerging Local Plan changes this allocation to a Local Centre but limits this to the units fronting Villa Road (thus excluding the area to the rear, i.e. the site the subject of this application). Notwithstanding this, the site is sustainably located and proposes uses that would broadly comply with uses one could expect in a Neighbourhood Centre or adjacent a Local Centre. The proposal would make efficient use of underused land and it is expected that the proposed development would tidy up the site and reduce the potential for antisocial behaviour in this area.

16.2 Furthermore, the proposed development would generate employment opportunities and provide high quality premises in an accessible location. The principle of the proposed development is therefore considered acceptable.

Design, Scale and Layout

16.3 The design of the proposed development, as amended, is functional but modern, utilising a relatively contemporary materials palette, and is considered to be visually acceptable. The single storey, flat roofed design of the building

would mean that the development is not conspicuous from wider views, thus respecting its backland form of development.

- 16.4 The built development is concentrated to the north western corner of the site, allowing for parking to be provided within the existing car park to the rear of the commercial units fronting onto Villa Road and an improved footway with soft landscaping to be provided along the building's frontage.
- 16.5 A bin storage area would be provided adjacent to the building within the car park where the existing commercial premises would continue to benefit from customer parking. As set out above, the proposed development is considered to make an effective use of land and the proposed layout is considered to be the optimal solution for the proposed scheme. On this basis, there are no objections to the design, scale or layout of the proposed development.

Landscape Impacts

- 16.6 The site is surrounded by existing mature trees and hedgerows on the northern, southern and western boundaries. The proposed development would result in the loss of a number of these features, which would have a negative environmental impact and also an impact on the visual amenity of the site. It is noted that both the Arboriculture Officer and the Landscape Adviser raised concerns about the (potential) loss of natural features, however, the site layout plan has been revised since the comments were made with in relation to the potential pressure to fell trees as a result of the originally proposed layout and it is considered that the final proposed site layout plan retains as many of the trees and hedgerows as possible. The partial loss of the hedgerow along the western boundary of the site is unfortunate, as this positively contributes to the visual amenity of the site when viewed from Tollgate East. Other features along this boundary would be retained, thus continue to afford some visual relief from the proposed built development.
- 16.7 The site is relatively tight and does not provide any meaningful opportunities to provide replacement planting of natural features. The proposal would however introduce a green roof as well as informal pockets of open space, which would provide limited mitigating circumstances. Whilst there may be limited opportunities to provide the required uplift in biodiversity and tree canopy net gain on the site, a combination of on and offsite enhancement could be sought via condition.
- 16.8 If such a scheme were secured, it is held that the landscape aspect of the proposed development is would be acceptable.

Impact on Neighbouring Amenities

- 16.9 As a result of the development being of single storey height, being proposed at the bottom of the neighbouring gardens and in the absence of intrusive openings in the elevations facing neighbouring sites, the proposed development is not considered to cause any materially harmful impact on

neighbouring amenities, including appearing overbearing on their outlook or resultant loss of light or privacy.

16.10 Furthermore, whilst activities on the site may increase as a result of an additional three commercial units, the area is already in commercial use with the rear of the site being used as a car park. It is not considered that the proposed development, subject to relevant and necessary planning conditions, would cause any materially harmful increase in noise and/or disturbance to neighbouring occupiers. It is also held that the tidying up of this site, and reduced opportunities for anti-social behaviour in this area, will have a positive impact on the amenities of neighbouring occupiers.

16.11 On this basis, the proposed development is considered to be acceptable with regards to its impact on neighbouring amenities.

Highway Matters

16.12 The site would utilise an existing vehicular access which already provides access to the rear of the site which is currently partially used as a car park for the commercial units to the east of the site.

16.13 The scheme would include a total of seven car parking and seven cycle parking spaces. Class E is a flexible use, including commercial, business and service uses. There is no guidance as yet with regards to the level of car parking that is required for Class E uses. It is however noted that those uses contained within Class E originally adopted maximum parking standards. The provision of seven spaces for three units, in an area that is relatively sustainable and accessible by other means of transport than the private vehicle, is considered to be acceptable.

16.14 The proposal also includes alterations to the existing footway which links Villa Road to Tollgate East. The existing footway, which is unadopted and thus not a Public Right of Way (PRoW), does not provide convenient access for cycles, mobility scooters etc. due to its layout. The current proposal would introduce a more direct and convenient footway which would ensure a good line of sight is maintained for better security for walkers and cyclists.

16.15 The footway would be (at least) 2m wide and would run along the built form's frontage, thus benefitting from natural surveillance, and would continue to provide access to Villa Road along the southern flank wall of the existing commercial units to the east of the site. The footway would be provided across a small section of the car park, however, the Highway Authority has not raised any concerns with regards to the revised site layout on highway safety grounds, subject to the footway being provided in a conspicuously surfaced material, clearly delineated, provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the existing footways and carriageway channel and making an appropriate connection in both directions to the existing footways to the specifications of the Highway Authority. The agent has agreed to this

condition and subject to this, it is considered that the footway can be provided in a safe manner to all users.

- 16.16 It should be noted that the footway would remain unadopted; the Council does not have the powers to request adoption of this footway and the potential for this to be formally adopted lies outside the remits of this planning application. It is considered that conditions requested by the Highway Authority would be sufficient to ensure that the footway is provided in a safe manner, maintained in an appropriate manner and accessible at all times. Subject to those conditions, it is held that the proposed footway is a vast improvement on the existing provision and despite its unadopted status, it is considered to be the most appropriate solution in this scenario.

Other matters

- 16.17 The Archaeological Adviser notes that, other than London Road (which is Roman Stane Street), there are no known archaeological sites or finds in close proximity to this proposed development. The wider landscape does have a theoretical archaeological potential, being within a region that was clearly populated throughout prehistory and the Roman/post-Roman periods. This proposed development is, however, insufficiently large in scale to require archaeological input based on that background potential. No archaeological condition is therefore recommended.

Planning Balance

- 16.18 The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development: an economic, social and environmental dimension. In respect of the first of these, the current proposal would provide economic benefits through the creation of temporary employment during the construction phase and permanent employment as a result of the proposed use. The social role of sustainable development is described as fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs. The proposal is considered to satisfy this objective due to the development being generally well designed and providing a safer environment by way of reducing opportunities for anti-social behaviour through active surveillance and providing a safer and more convenient footway for pedestrians and cyclists. In respect of the environmental dimension, the proposal would require the removal of existing natural features, which is undesirable. The proposed development would however provide pockets of informal open space as well as a green roof which are considered to provide some, albeit limited, mitigation in the circumstances. A condition to require a combination of on and off site biodiversity enhancements would however ensure that the environmental dimension of sustainable development would be positive.

- 16.19 Overall, the benefits of the proposed scheme are considered to convincingly outweigh the harm that would be caused as a result of the loss of existing

natural features and the proposed development is therefore considered to represent sustainable development.

17.0 Conclusion

17.1 For the reasons set out above, the proposed development would represent sustainable development. There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon highway safety. The proposed development is therefore considered to be appropriate.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - 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. ZAM - *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

0888_A_SC_00_01 Site Location Plan

0888_A_SC_02_C Site Layout Plan

0888_A_SC_03_01 Ground Floor Plan

0888_A_SC_04_A Proposed Elevations

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

3. ZBB - 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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. ZPA – 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.

5. ZFC - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

6. Non-Standard Condition - Details of footway

Prior to the occupation of any of the proposed development the applicant shall provide a new footway to connect the proposed development from and to the existing footway on Villa Road to a minimum of 2.0m in width which shall be provided in a conspicuously surfaced material, being clearly delineated and follow the alignment as shown in the revised drawing, being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the existing footways and carriageway channel and making an appropriate connection in both directions to the existing footways to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

7. Non-Standard Condition - Biodiversity Net Gain

Prior to the first occupation of the units hereby approved, a scheme to deliver 10% uplift in biodiversity and tree canopy cover through on and off site provision shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be delivered during the first planting season and maintained in perpetuity.

Reason: To ensure that the impact of the development on the natural environment is mitigated having regard to policies ENV1 and CCL1 of the Section 2 Local Plan 2017-2033 and Section 40 of the Natural Environment and Rural Communities Act 2006.

8. ZGG - Site Boundary Noise Levels (for any fixed external plant or equipment)

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 0dB(A) above the background levels determined at all boundaries of 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.

9. ZGO - 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.

10. ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, 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. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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.

11. Non-Standard Condition - Storage of bicycles

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants and visitors to that development, shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

12. Non-Standard Condition – Parking spaces to be laid out

The development shall not be occupied until such time as the allocated car parking spaces (for 7 additional vehicles) has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

13. Non-Standard Condition - EV Charging points

Prior to the parking spaces first being brought into use, provision shall be made for EV charging point infrastructure at the rate of 1 charging point per 10 spaces. Reason: To encourage the use of ultra-low emission vehicles.

14. Non-Standard Condition - Boundary

Prior to the first occupation of the development hereby approved, a close-boarded fence of 2m in height shall be erected along all boundaries with existing residential premises, and retained as such in perpetuity.

Reason: In the interest of the residential amenity and privacy of the occupiers of adjacent dwellings.

15. Non-Standard Condition - Signs

Prior to the first occupation of the proposed development the applicant shall provide two "cyclist dismount" signs to DfT standards, one at the footway connection to Tollgate East and one where the footway connects to the existing car park which shall be provided in perpetuity.

Reason: To reduce the risk of collision along and over the new footway, in the interests of highway safety.

16. ZPD - 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: 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.

17. ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not OPERATE outside of the following times:

Weekdays: 07:30-20:00

Saturdays: 07:30-18:00

Sundays and Public Holidays: 08:00-13:00

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.

18. ZGB - *Restricted Hours of Delivery*

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

Weekdays: 07:00-19:00

Saturdays: 07:00-19:00

Sundays and Public Holidays: No deliveries.

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.

19. ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

19.1 Informatives

19.1 The following informatives are also recommended:

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.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate

this permission 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.

Non-Standard Informative - Highways

The applicant should be requested to confirm that the new footway has received authorisation from the landowners of Tollgate East to connect to their pedestrian facilities.

Non-Standard Informative - Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

Non-Standard Informative - Highways

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

20.0 Positivity Statement

WA2 - Application Approved Following Revisions

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.

