



**OPTIMUM**  
Architecture Ltd

Optimum Architecture Limited  
Nags Corner, Nayland  
Nr. Colchester CO6 4LT

[www.optimum-architecture.co.uk](http://www.optimum-architecture.co.uk)

## Discharge of Planning Conditions

Client: Mrs J Lambert

Project: Proposed creation of a separate dwelling, tied flat to the ext'g store & replacing existing workshop with new parking

Site Address: Park St Stores, Park Street, Stoke by Nayland, Colchester. CO64SE

Date: November 2023

Reference: 1405-01-DOC-planning

Approved Full Planning Application Ref: **DC/23/03801**

Rev: -



Registered in England and Wales: 6406534

GET IT **RIGHT** FROM THE **START**

**1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT**

The development hereby permitted shall be begun not later than 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

Acknowledged. The aim is to start on site as soon as possible.

**2. APPROVED PLANS & DOCUMENTS**

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

Acknowledged

**3. ACTION REQUIRED PRIOR TO USE - HIGHWAYS: PROVISION OF PARKING, EV CHARGING AND CYCLE STORAGE.**

The use shall not be commenced until the area within the site shown on Drawings listed under Section A for the purposes of manoeuvring and parking of vehicles, including electric vehicle charging and secure cycle storage, has been provided and made functionally available. Thereafter that area/s shall be retained and remain free of obstruction except for the purpose of manoeuvring, parking and charging of vehicles and secure cycle storage.

Reason - To promote sustainable travel and to ensure the provision of adequate on-site space for the manoeuvring, parking and charging of vehicles and cycle storage where onstreet parking, charging and manoeuvring would otherwise be detrimental to highway safety.

Acknowledged

**4. ON GOING REQUIREMENT FOR DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS**

The area/s to be provided for the storage of Refuse/Recycling bins as shown on the on Drawings listed under Section A shall be provided in its entirety before the development hereby approved is brought into first occupation and shall be retained thereafter and used for no other purpose.

Reason - To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

Acknowledged

**5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DEMOLITION AND CONSTRUCTION MANAGEMENT STRATEGY**

Prior to work commencing on site, a Demolition and Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include access and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking

onto the highway together with a strategy for remedy of this should it occur. Thereafter, the approved Demolition and Construction Management Strategy shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

[Refer to the Demolition & Construction Management Plan document –1405-01-DCMP](#)

## **6. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: BAT MITIGATION LICENCE**

Any works which will impact the resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason - To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

[The bat mitigation licence will be attained nearer the time of construction due to the limited time that the licence can last for. This will be done under a separate discharge application.](#)

## **7. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Bat Assessment (Skilled Ecology Ltd, June 2023) and the Further Bat Survey Report (Skilled Ecology Ltd, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

[Acknowledged](#)

## **8. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

Prior to any works above slab level a Biodiversity Enhancement Layout for bespoke biodiversity enhancement shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for bespoke biodiversity enhancements; and
- b) locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

[Refer to the Bat Assessment \(Skilled Ecology Ltd, June 2023\), the Further Bat Survey Report \(Skilled Ecology Ltd, August 2023\) and drawing 1405-01-03E](#)

### **9. ON GOING REQUIREMENT FOR DEVELOPMENT: CONDENSER SOUND EMISSION**

The rating level of sound emitted from the condenser shall not exceed the typical background sound levels between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the existing background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason - In the interests of residential amenity.

[Refer to the sound acoustician fan noise report - ParkStreetStoresStokebyNaylandFanNoiseReport \(19-Dec-2023\)](#)

### **10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SOUND INSULATION**

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling and party wall structures between the separate residential units created by the development shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained in perpetuity.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the residential amenity of the occupiers.

[Refer to drawing 1405-01-05 –Separating wall details](#)

and

[Acousticians' advice - ParkStreetStoresInternalAcousticAdvice \(19-Dec-2023\)](#)