

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 04 February 2016 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

Audio Recording, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call
e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as R v Westminster CC ex-parte Monahan 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- Land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of "reasonableness", the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

1. Necessary	2. Relevant to planning
3. Relevant to the development permitted	4. Reasonable
5. Precise	6. Enforceable

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create "material" changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer's Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

- (a) a cinema,
- (b) a concert hall, (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of *sui generis* uses include (but are not exclusive to): theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

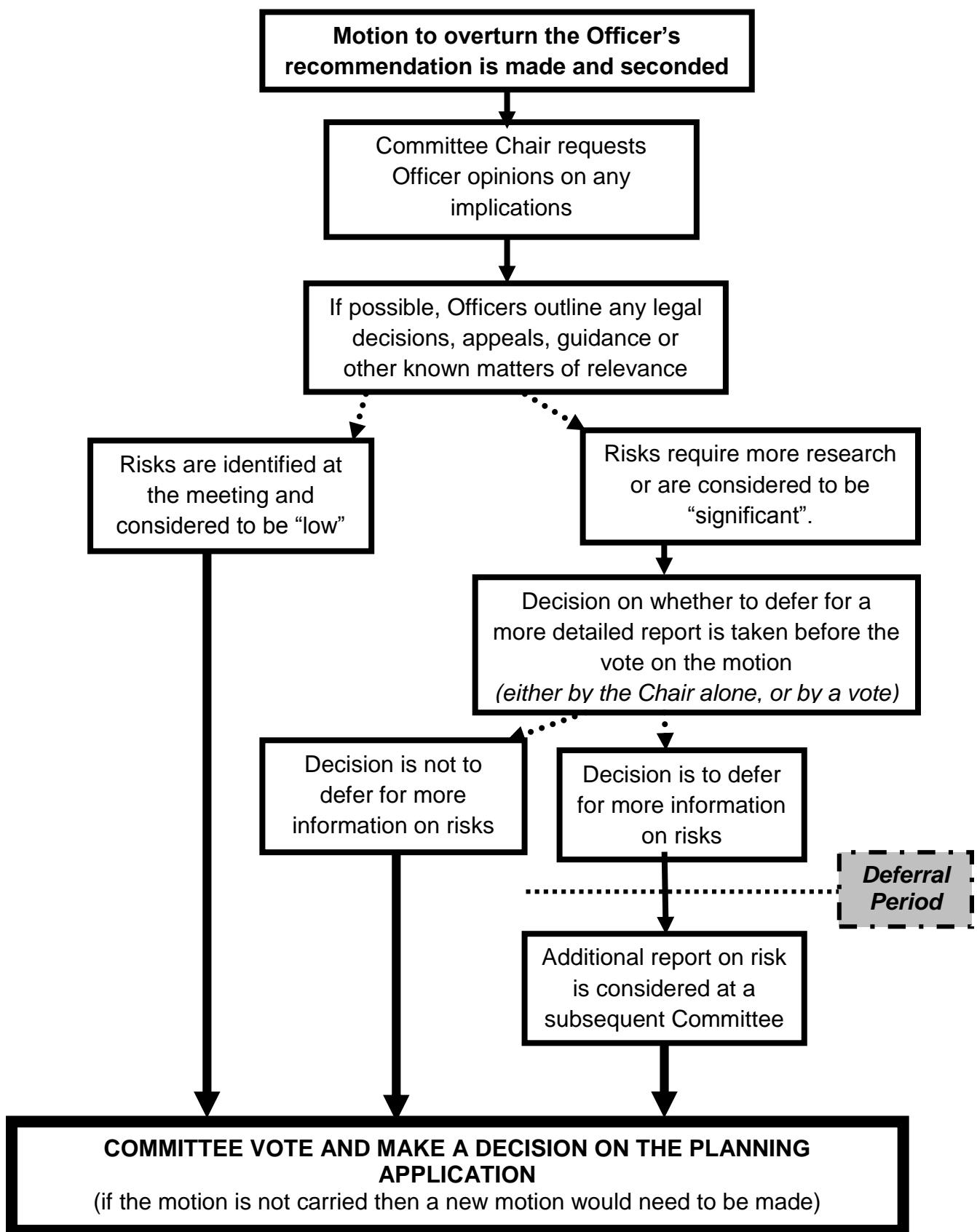
Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 04 February 2016 at 18:00

Member:

Councillor Jon Manning
Councillor Jessica Scott-Boutell
Councillor Peter Chillingworth
Councillor Helen Chuah
Councillor Jo Hayes
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Mike Lilley
Councillor Jackie Maclean
Councillor Patricia Moore
Councillor Rosalind Scott
Councillor Laura Sykes

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Biston, Nigel Chapman, Barrie Cook, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Bill Frame, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Theresa Higgins, Darius Laws, Cyril Liddy, Sue Lissimore, Ben Locker, Fiona Maclean, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Chris Pearson, Will Quince, Peter Sheane, Paul Smith, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 **Have Your Say! (Planning)**

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of the items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply in relation to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 **Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 **Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is

being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6	Minutes of 17 December 2015	17 - 28
	To confirm the minutes of the meeting held on 17 December 2016.	
7	Planning Applications	
	In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.	
7.1	152120 Land adjacent to Chapel Road, Tiptree,	29 - 58
	Erection of 39 residential units (Class C3) with associated parking, landscaping, open space and access.	
7.2	143715 B & Q Warehouse, Lightship Way, Colchester	59 - 168
	Use of premises as a retail food store with external alterations; installation of a GOL facility, colleague area; two concessions and domestic area at ground level and a cafe at mezzanine level; the removal of the existing garden centre and builders' yard, provision of cycle parking, recycling facilities and reconfiguration of the customer car park	
7.3	152182 36-40 Crouch Street, Colchester	169 - 174
	Variation of condition 2 of planning permission F/COL/04/1046. (To relocate bin store and cycle store)	
7.4	152512 243 Berechurch Hall Road, Colchester	175 - 186
	Proposed teaching swimming pool	

7.5	152331 41 Victoria Road, Colchester	187 - 196
	Part double, part single storey extensions to side and rear and addition of oriel window to front, following demolition of existing side and rear extensions.	
7.6	152795 Rowan House, 33 Sheepen Road, Colchester	197 - 206
	Construction of car ports incorporating integral solar photovoltaic panels and associated works.	

8 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Planning Committee

Thursday, 17 December 2015

Attendees:	Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jon Manning (Chairman), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)
Substitutes:	Councillor Roger Buston (for Councillor Jackie Maclean), Councillor Gerard Oxford (for Councillor Laura Sykes)

249 Site Visits

Councillors Buston, Chillingworth, Chuah, Hayes, Hazell, Jarvis, Lilley, Manning, Moore, G. Oxford, Scott and Scott-Boutell attended the site visit.

250 Minutes of 22 October 2015

The minutes of the meeting held on 22 October 2015 were confirmed as a correct record.

251 Minutes of 5 November 2015

The minutes of the meeting held on 5 November 2015 were deferred for consideration at the next meeting.

252 150239 Land to north/south of Tollgate West, Stanway

Councillor Scott-Boutell (in respect of her acquaintance with the objectors to the application and her attendance at a pre-application exhibition) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor G. Oxford (in respect of his membership of the Local Plan Committee) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an outline application for mixed development of leisure uses

(use class D2) including cinema and retail (use classes A1, A2, A3, A4, and A5) with associated parking including multi-storey car park, public realm improvements, access, highways, landscaping and associated works at land to the north/south of Tollgate West, Stanway, Colchester. The application had been referred to the Committee because the application was a major departure from the Adopted Development Plan, had attracted a significant level of public interest and been called in by former Councillor L. Scott-Boutell, for reasons of prematurity and transparency of decision making and, in certain circumstances, could require referral to the Secretary of State for Communities and Local Government. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Vincent Pearce, Planning Projects Specialist, together with Karen Syrett, Place Strategy Manager; presented the report and assisted the Committee in its deliberations. Also in attendance were Simon Cairns, Major Developments and Planning Projects Manager; Laura Chase, Planning Policy Manager; Peter Wilks, from Nathaniel Lichfield and Partners; David Martin, Environmental Protection Officer; Jim Leask, Enterprise Officer and Martin Mason, Essex County Council, Strategic Development Engineer.

Nick Diment, on behalf of G L Hearn for M and G Real Estates addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that his company had submitted an objection to the application as it was not considered to be appropriate and he felt this view was still valid in terms of its significant departure from the Development Plan and the associated harm to the town centre. He considered the application to be speculative as no details of potential final occupiers had been revealed, too large in terms of scale within the sub-regional location, contrary to policy in relation to retail provision and of harmful impact upon the town centre. He was also concerned about the effect upon the Vineyard Gate development which needed more time to come to fruition and the impact of free parking spaces outside the town centre. In his view the loss of strategic employment land would not be justified, whilst the correct course of action would be to pursue a change in allocation through Local Plan review.

Ron Levy, on behalf of Colchester Retail Business Association (CoRBA) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained that he was representing over 200 independent retailers in the town centre, many of whom had struggled through the recession but were fearful of the impact of the proposed Tollgate Village application which they considered would cause stagnation for many years ahead. He referred to the application's divergence from Local Plan policies and the need for priority for the town centre to be maintained.

Hugo Fenwick addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He referred to the

National Planning Policy Framework and quoted Greg Clark - 'Our historic environment - buildings, landscapes, towns and villages - can better be cherished if their spirit of place thrives not withers.' and went on to state that the town centre needed to support vitality and that Colchester town centre was as culturally significant as Colchester itself. He considered the proposals would do irreparable harm to the town centre. The Castle Museum was a prime example of this as well as the large department stores, many small boutiques and vast array of small retailers which all fed off each other. He referred to the significant investment in the town centre recently by Fenwick as well as in Culver Square and Red Lion Walk which was contributing to the future of Colchester as the pre-eminent retail and leisure destination in the region. He referred to the presumption of Town Centre first in the adopted retail hierarchy where investment was more expensive and took longer to deliver. This was reflected in town centre charges for car parking whereas out of town developments, in the case of Tollgate Village, less than five miles from the town centre and providing for 300 parking spaces were at liberty not to charge. If the application was approved he considered that future investment would disappear and the vitality of the town would dissipate.

Stephen Mann, on behalf of Stanway Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that Stanway was an urban growth area which was currently undergoing a major expansion. It was a vibrant and popular area to live in and to visit. However, the former Sainsbury site had been the subject of neglect. Stanway Parish Council broadly supported the proposals for Tollgate Village, subject to the provision of infrastructure improvements which came with it. The vision contained within the plans had received overwhelming public support, despite the views of the Planning Officers that it would attract out of area shoppers and be harmful to the town centre. He referred to recent investments which had taken place in the town centre, at Red Lion Walk and the Hub located in the former Police Station and he was of the view that similar examples would continue to come forward. The proposals represented £65million with 480 construction jobs and 580 permanent jobs, together with associated socio-economic benefits.

Jayne Gee on behalf of the Tollgate Partnership addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. She referred to the planning permission originally granted to her father in the 1980s to provide for Tollgate Road and its first tenants, Seapets, followed by Sainsbury and Pappus House. the latest developments were a part of what was now a very successful urban district centre. The proposals for Tollgate Village were the result of various meetings and a consultation over a period of three years and had benefitted from a phenomenal level of public support. Much of the infrastructure required in the area was also included in the proposals and further investment would come forward in the future which would mean car journeys would be reduced. She was of the view that expert opinion had shown that there would be minimal harm to the town centre and to address these issues the development company had offered to reduce the size of some of the

shopping units.

Paul Newton for Barton Willmore addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He was disappointed with the report and the presentation and referred to the many merits of the proposals which had been overlooked, including no objections from statutory consultees, phenomenal public support, investment in highway improvements, fully funded not speculative development which can be delivered immediately. He also confirmed that the proposals had met the sequential test. He was of the view that investment in the town centre would not be negatively affected, as evidenced by the introduction of a Primark store and the deal with Curzon for a cinema and, as such the town centre would continue to attract investment. He considered that funding for Vineyard Gate had yet to be secured whilst the references to the Northern Gateway were erroneous as planning permission had not been granted for leisure development. He was also of the view that there was a significant over supply of land for employment purposes and that Tollgate represented the best area to create a new urban heart for the town which would benefit Colchester as a whole.

In response to certain specific issues raised the Planning Projects Specialist explained despite the large majority of support for the proposals from the residents in Stanway the Committee needed to consider the wider implications for the Borough as a whole and the Local Plan policies which placed the town centre at the top of the retail hierarchy. He also reminded the Committee that the consultants engaged to independently assess the impact of the proposals had confirmed that the impact would be significantly adverse for the town centre as a whole.

Peter Wilks, from Nathaniel Lichfield and Partners who had conducted the employment land needs assessment and retail studies for Colchester, explained that there was concern in terms of the way Tollgate Village would utilise the capacity that would result from future growth. He went on to explain that the findings from their report had shown that if the Tollgate Village development proceeded the town centre would not be able to attract future investment and that developers would only consider investments in schemes where there was scope for a return on that investment.

Councillor J Maclean attended and, with the consent of the Chairman, addressed the Committee. She was of the view that a decision to refuse the application would affect local residents adversely. She was of the view that the ward councillors were trying to respond to the strong views expressed by their electorate whilst the Planning Officers had given their expert advice to the Committee, it was still for the Committee members to make their own decisions. The Local Plan had provided a vision for the local area but it was very restrictive and it was in the process of being redrafted. She considered the proposed development would not be of detriment to the town centre as the problems associated with the decline in town centre activity was due to technology improvements and people choosing to do their shopping online. The proposal had clear economic benefits such as greater choice, more local jobs and decreased congestion which would

mean that Colchester would be able to compete with Chelmsford and Braintree. She did not consider that the Northern Gateway proposals would be adversely affected whilst there would be clear employment benefits not requiring travel into Colchester town centre. She further considered that the proposed road network infrastructure works would provide considerable traffic improvements and that the employment allocation would be able to be the subject of a swap for land in North Colchester.

Councillor Sykes attended and, with the consent of the Chairman, addressed the Committee. She had concluded that the application should be approved. The Parish Council had been encouraged to produce a Village Plan which had been adopted by the Borough Council with the expectation that its contents would carry some weight in the determination of planning applications in Stanway. The landowners had taken the Village Plan into account when putting together their proposals. Consultations had also been undertaken and the ward councillors had been involved in the discussions with the developers. All parties had been encouraged to put forward ideas for the area and these had not been ruled out by the Council in accepting the Village Plan. The Council seemed to be pinning its hopes on the delivery of Vineyard Gate but this was unlikely to come forward before 2019, in which case, she saw no reason not to approve this application. She considered the proposal would generate both employment and wealth as well as a different shopping experience, creating good competition therefore it would be good for Stanway and good for Colchester. 1000 new properties had been constructed in Stanway and these new residents required new facilities and Tollgate Village was part of this future.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He was speaking in his role as a Councillor for Castle ward and as the Portfolio Holder for Economic Growth and Planning. He did not support the proposal on the basis that the Adopted Local Plan needed to stand the test of time and not be departed from. The proposals would mean the loss of important employment land for which demand was increasing. In addition there would be a serious viability impact for the town centre which would affect its future sustainability. There would be no guarantee that recent investments would continue and he also stated his view that the contents of the Stanway Village Plan could only be adhered to if they were not in conflict with the Council's Local Plan policies.

Councillor Liddy attended and, with the consent of the Chairman, addressed the Committee. He explained that he had sympathy with the Committee members. An application bringing with it new job opportunities should be welcomed. However the Council's Local Plan policies were not applied in a vacuum. Whilst the developers had presented an attractive scheme with much to commend it he could see no valid reason for the Committee members to make an exception to the Local Plan policies. He was concerned that a decision to approve the application would set a precedent, would mean that the Local Plan had been discredited, that the Council would be open to accusations of mismanagement and a lack of vision towards the town centre. He also referred to the difficulties which would be encountered by the Council administration following the local

elections in May 2016, should approval be given to the application.

Some members of the Committee highlighted the need to support the growth in the Stanway area and the considerable support for the development within the local community. It was also acknowledged that the proposal was likely to lead to additional traffic in the Tollgate area which was already experiencing congestion problems. These issues had also impacted the residential road networks such as Lakelands and, as such, the highway infrastructure improvements included in the development proposal were welcomed. There was also the view that the potential to deliver high quality retail units on the site would not only create employment for the area but also attract shoppers to Tollgate and to Colchester town centre.

A number of Committee members expressed the view that out of town shopping areas and town centre shopping were distinct from each other, not in competition and with the potential for each to benefit from the development rather than for it to be a threat to growth in the town centre. The recent refurbishment of Williams and Griffin, undertaken by Fenwick was welcomed and it was hoped further investment in the town centre would continue. References to the negative impact of the Tollgate proposal on plans for Vineyard Gate were not considered to be relevant given the lack of progress in the development of this area of the town centre. Reference was also made to the views set out in the Stanway Village Plan, such as the need for employment to be situated near to where people live, which were in accordance with the proposals contained in the application. It was considered that the development represented a considerable investment which would be of benefit to the whole of the Borough. It was not considered appropriate to turn down this investment opportunity on the basis that it had sufficient merits to justify an exception to the Council's Local Plan policies.

Other members of the Committee, whilst acknowledging the representations made in support of the application and the need to consider very seriously the large amount of investment the proposal would bring with it, referred to the need for the Committee to adhere to the National Planning Policy Framework and the Council's Local Plan which was currently being reviewed but was up to date and continued to be valid. In addition, Government guidance advised that planning applications were required to be determined in accordance with current policies unless there were exceptional reasons to depart from them. The Council's planning policies provided a vision for Colchester and the surrounding Borough, including a provision for high value employment. The proposals contained in the application, whilst of merit, did not comply with either national or local planning policies in terms of the application site which was currently in part allocated as a Strategic Employment Zone with its loss having a detrimental impact on Colchester's economic future and in relation to the retail hierarchy which gave priority to the town centre and needed to be maintained. It was further considered that the proposals were too large in scale for an urban district centre but would provide benefits for Stanway which were only short term and the development was likely to lead to considerable parking and traffic problems. The ability to retain the higher level employment allocation for the site was considered to be of better long term benefit to

Stanway and the Borough as a whole as it would provide for greater flexibility and maximise potential for Colchester.

In response to specific questions the Planning Projects Specialist explained that the Council's Local Plan allowed for landowners within the urban district centre at Tollgate to intensify use provided it would not compete with the town centre. The proposal was considered, however, to compete with the town centre at a sub-regional level and, as such would have a significant detrimental impact on the town centre. He went on to explain that it was difficult to predict precisely how many jobs would be created from the development as it was not yet possible to identify likely occupiers. The number of jobs, nevertheless would be significant but may be better located within the town centre as the primary retail centre. He also stressed the importance of retaining the Strategic Employment designation for the site due to the very good access links to the A12. He acknowledged the potential for exceptions to be made to policy in exceptional circumstances but he was of the firm view that the proposals being considered by the Committee did not represent an exceptional circumstance. He further explained that it was for the Local Plan Committee over the forthcoming months to determine the appropriate location for large scale development in Colchester.

Peter Wilks explained that the findings from their report had shown that the type of development proposed would divert trade from Colchester town centre, with a small proportion from other nearby town centres. In turn this would lead to stagnation in the town centre with further trade being lost to shopping areas in Braintree, Ipswich and Chelmsford.

A proposal, which had been seconded, to refuse the application was lost (SIX voted FOR, SIX voted AGAINST and the Chairman exercised his casting vote AGAINST).

A further proposal which had been seconded, to approve the application suggested that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. In accordance with the Committee's Deferral and Recommendation Overturn Procedure (DROP) the Chairman invited the Planning Projects Specialist to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation in this instance. It was explained that the risks in this instance would be significant as such a decision would be contrary to the Council's planning policies, the decision would need to be referred to the Secretary of State and, permission was granted, it would require associated conditions to be agreed. In the light of this advice the Chairman determined that the DROP be invoked.

RESOLVED that the Deferral and Recommendation Overturn Procedure be invoked and a further report be submitted to the Committee giving details of the risks to the Council, the financial implications including the need to refer the matter to the Secretary of State for Communities and Local Government, together with recommended conditions and Heads of Terms should the application be granted.

Councillors Lilley, G. Oxford and Scott-Boutell here left the meeting.

253 150972 Wormingford Airfield, Fordham Road, Wormingford

Councillor Chillingworth (in respect of his membership of the Council for the Protection of Rural Essex and his acquaintance with some members of the Gliding Club) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the additional use of one Touring Motor Glider (TMG), all other existing uses to remain the same at Wormingford Airfield, Fordham Road, Wormingford. The application had been referred to the Committee because the application had been called in by Councillor Chapman and there had been considerable local interest in the proposal. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and, together with David Martin, Environmental Protection Officer, assisted the Committee in its deliberations.

Jill Bruce addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She was of the view that the noise readings had all been conducted on occasions when the glider had been operated as quietly as possible and were therefore unrepresentative of the experience of local residents. She referred to the noise disturbance experienced from the glider on take-off, during extended circling manoeuvres and when the engine was started up again in mid-flight. She explained that she had watched the activity at the airfield increase over time and considered local residents should be compensated for loss of peace and tranquillity in the neighbourhood. She considered local residents had been flexible and sought, at the least, a restriction on the extended use to weekdays only.

Nick Durlacher addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. He explained his considerable concerns regarding the impact of the proposal on local residents which he considered to be in relation to both noise and privacy. He referred to the loss of peace and tranquillity and the loss of the enjoyment of gardens for local residents. He requested the restriction on the extended use to weekdays only on the basis that the winch operated mechanism, rather than a powered solution, was a workable option. Alternatively he sought a time limited permission to give the opportunity to assess the impact of the activity.

Robert Godden, Chairman of Essex and Suffolk Gliding Club, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He referred to an invitation to local residents to attend a meeting to explain the proposals had resulted in an attendance of 15. The Club was an approved training

facility and, as such, needed to move to a powered take off glider in order to provide flexibility in operations and to respond to demand as it arose. Every gliding club was moving to this option and it was therefore vital to the club's viability in terms of training facilities.

Elisa Hampson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. She explained that it was both beneficial and essential. The TMG had been owned by the Club for eight years and was currently used four times per year. The Club needed provide more flexibility to stay viable and the noise assessments had demonstrated that there was no detrimental disturbance caused by its use. The application had accommodated issues raised by local residents in terms of time restrictions for use and the Club had also offered to maintain a log to demonstrate the level and times of usage.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He thanked the Committee members for undertaking a site visit to the airfield and congratulated the Planning Officer on the report. If the Committee was minded to approve the application he requested consideration of limits being placed on the hours of operation, particularly during the summer months and he also sought a formal liaison to be established in order to improve the relationship between the Club and the local residents.

The Principal Planning Officer confirmed that the Environmental Protection Officer had reported no noise disturbance issues as a result of assessments conducted at the airfield and that the application was not for flights on 365 days but to have the opportunity to use the TMG on any day of the year for up to eight occasions between the hours of 8:00 am to 9:00pm.

Some members of the Committee acknowledged the concerns of residents whilst accepting the need for activities to take place in the countryside such that it was necessary for a compromise to be reached. Reference was also made to the lack of intrusive noise witnessed on the site visit and, as such, disappointment that the Club and the local residents were unable to come to a mutual acceptable compromise.

Other members of the Committee were of the view that a compromise would potentially be harmful to the commercial viability of the Club given no noise issues had been witnessed during noise assessments or on the site visit.

RESOLVED (SIX voted FOR and THREE voted AGAINST) that the planning application be approved for a temporary period of three years subject to the conditions set out in the report.

254 150213 Land west of 58 Queens Road Wivenhoe

The Committee considered an application for the erection of a detached dwelling with associated parking facilities, resubmission of 112284, at land west of 58 Queen's Road,

Wivenhoe. The application had been deferred at the Planning Committee meeting on 30 July 2015 for legal advice on the liability arising from a grant of consent in relation to flooding risk. The Committee had before it a report in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations. She explained that legal advice had been received from Holmes and Hills Solicitors and a meeting had taken place with the Environment Agency, together with an assessment of the sequential and exception tests.

Some members of the Committee were concerned about the comments on the application from the Environment Agency which implied that their lack of objection was conditional upon the Council's consideration that the application was acceptable. There continued to be concern about the effectiveness of the proposed mitigation measures. It was also considered that the Neighbourhood Plan was clearly opposed to development in the flood plain as well as including proposals to extend the conservation area which adjoined the application site. Reference was also made to national policies in relation to development in Flood Zone 3 and the need for an Exception Test for such development.

Other members of the Committee acknowledged the concerns expressed but referred to the continuing recommendation for approval from the Principal Planning Officer despite these issues. It was considered that liability in respect of danger to life would not rest with the Council but with the Environment Agency.

In response to specific questions the Principal Planning Officer explained that development in Flood Zone 3 required an Exception Test and that the proposal had successfully passed this test. She also referred to recent bad weather conditions and her own visits to the site which had revealed that the site was coping adequately with rain water levels.

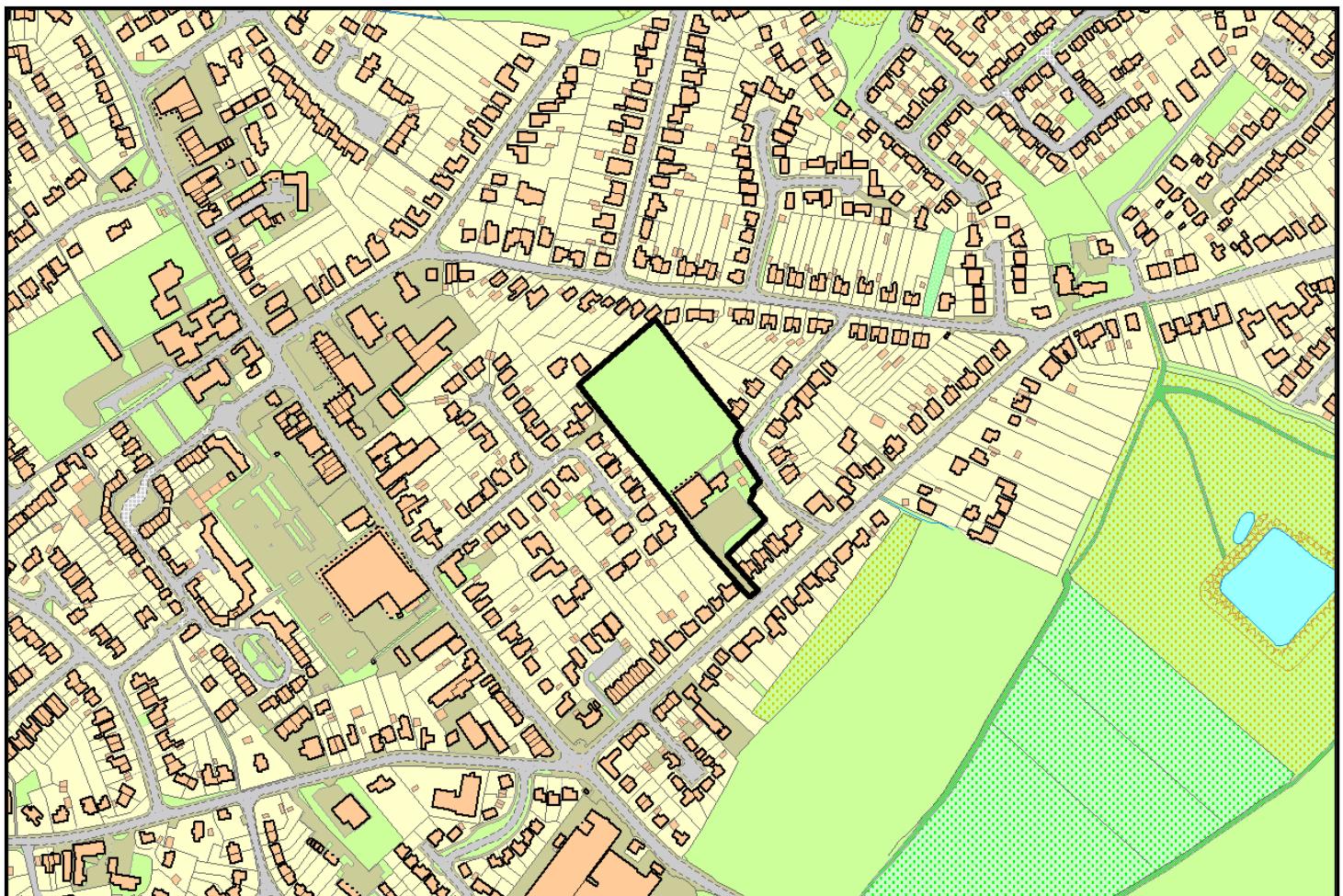
RESOLVED (FIVE voted FOR and FOUR voted AGAINST) that –

- (i) The planning application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning act 1990 within six months of the date of the Committee meeting;
- (ii) In the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise be authorised to complete the agreement to provide for the submission of details and approval of a maintenance schedule for the void and trash screens and agreement of the legal responsibility for implementing the approved maintenance schedule for the life of the property;
- (iii) On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report.

255 152344 Old Heath Recreation Pavilion, Recreation Road, Colchester

The Committee considered an application for the redevelopment of the Old Heath Tennis Pavilion into a community cafe at Old Heath Recreation Pavilion, Recreation Road, Colchester. The application had been referred to the Committee because Colchester Borough Council was the applicant. The Committee had before it a report and an amendment sheet in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the planning application be approved subject to the conditions set out in the report.



Application No: 152120

Location: Land Adjacent To, Chapel Road, Tiptree, Colchester

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **4th February 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 19/02/2016

MAJOR

Site: **Land adj to Chapel Road, Tiptree, Colchester**

Application No: **152120**

Date Received: **8 October 2015**

Agent: **Simon Slatford, Nathaniel Lichfield & Partners**

Applicant: **Inland Homes Plc**

Development: **Erection of 39 residential units (Class C3) with associated parking, landscaping, open space and access.**

Ward: **Tiptree**

Summary of Recommendation: Conditional approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application, objections have been received and a legal agreement is required.

2.0 Synopsis

2.1 The key issues explored below are the allocation of the site, which is part for residential purposes and part private open space, the relevant policies and the "alternative recreation proposal". The development proposal, for the erection of 39 2-storey houses of traditional design, is described together with the amendments to the application. The objections and comments made by the parish council, residents and consultees are set out and responded to. The section 106 obligations are described. The conclusion is planning permission should be granted subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The site is approximately 1.12 hectares in size and comprises land occupied by the former Tiptree United Football Club at Chapel Road Tiptree. The application information states the site was previously “the home of Tiptree United FC following the club’s merger with Maldon FC in 2009, the site was vacated in May 2009. The club was never open for public use, and has subsequently been vacant, and not in use as a playing pitch, for over 6 years”.
- 3.2 The site is in a sustainable location located some 220 metres from Tiptree local shopping centre (as the crow flies) and approx. twice this distance when walking to the centre.
- 3.3 This backland site is generally rectangular and is surrounded by established residential properties. The north east boundary is adjacent to rear gardens of properties in New Road and Bird Lane it also has a frontage to Bird Lane and wraps around the rear of 53 Chapel Road where it joins the south east boundary which backs onto rear gardens of properties in Chapel Road. The south west boundary extends along the side boundary with 37 Chapel Road and the rear gardens to bungalows in Morley Road. The North West boundary is adjacent to rear gardens of properties in Morley Road and New Road.
- 3.4 Development surrounding the site is residential but with a varied character. Whilst Morley Road comprises detached bungalows of a similar design and age, Bird Lane, New Road and Chapel Road comprise a mix of detached and semidetached properties of a variety of ages, styles and plot sizes.
- 3.5 The existing access is between 37 and 41 Chapel Road.
- 3.6 Until recently the site contained a clubhouse this has now been demolished, the site includes areas of hardstanding previously used as a car park and the football pitch which is overgrown.
- 3.7 There is a preserved tree along the south west boundary within a group of trees /hedging shrubs on this boundary. There are other trees and hedging along the site boundaries and within the site.

4.0 Description of the Proposal

- 4.1 This full application proposes 39 residential units with associated parking, landscaping and highways works.
- 4.2 The dwellings are accessed from Chapel Road using the existing access between nos. 37 and 41 which will be upgraded in the form of a shared surface road as it enters the development. The dwellings are arranged so their back gardens back on to the rear gardens of the existing properties. A central “green “open space forms a focal point within the development and many of the new dwellings face this area.

- 4.3 The development comprises 2, 3 and 4-bed dwellings. Nine dwellings are 2-bed, 23% of the 39; twenty eight are 3- bed, 72% of the 39, and two are 4-bed, 5% of the 39. The density is 35 dwellings per hectare. Eight of the dwellings are affordable units; comprising four 2 bedroom houses and four 3 bedroom houses. The dwellings include semidetached, linked terraces and detached units. The dwellings are all 2-storey and are of a traditional design and materials; with pitched roofs and elevations of brick, timber boarding or render.
- 4.4 Eighty eight car parking spaces are proposed, including 15 visitor spaces.
- 4.5 The preserved tree and other trees on the south west boundary are retained together with other trees the application includes new tree and planting and detailed landscape proposals.
- 4.6 The layout originally included a footpath link to Bird Lane, a private road, but following objection from a resident in the lane this was removed.
- 4.7 Prior to the submission of the application the applicant held meetings with Tiptree Parish Council and a public consultation event was held on Monday 8th June at the Tiptree Community Centre. The submitted Statement of Community Involvement details these meetings and public comment.
- 4.8 The application also includes the following documents; Design and Access Statement, Transport Statement, Statement of Community Involvement, Landscape Management and Maintenance Plan, Landscape Masterplan, Soft Landscape Proposals and Specification, Arboricultural Impact Assessment and Method Statement, Hard Landscape Proposals, Archaeological and Heritage Report, Flood Risk and Drainage Strategy, Ecology Report and Site Investigation Report

5.0 Land Use Allocation

- 5.1 The area of the football pitch is shown as private open space whereas the area which comprised the car park, former club house and access is allocated for predominantly residential purposes.
- 5.2 An oak tree on the south west boundary is protected by a preservation order.

6.0 Relevant Planning History

- 6.1 The planning history relates to the former use of the site by Tiptree United FC.

Application 76/1226 for the continued use and re-modelling of existing accommodation and extension thereto for the continuing use as a football and social club is relevant as the conditions relating to opening times and capacity of the club give an indication of the level of activity of this use. The conditions are referred to in the main report.

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
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
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

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

SA H1 Housing Allocations
SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

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

Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Affordable Housing

8.0 Consultations

8.1 Recycling, Waste and Fleet Manager

It is unclear [if the single access] would pose a big problem for our refuse collection vehicles. Also the road would be unadopted and whilst we do traverse unadopted roads, we will take a view as to the likely scenarios we will face once built.

These include

- Residents changing and then deciding that they don't want our vehicles coming down their road - we would look for something that prevents this happening
- Complaints re damage to road surface, drainage etc. as a result of us making collections – liability issues
- Parking – once residents move in parking becomes an issue and in terms of the turning head shown, any parking that makes this unusable would prevent us making collections
- The road seems very narrow and again any obstacles may make access unachievable

The applicant has commented "With respect to the comments from the Recycling and Waste Department we would note that residential and visitor parking provision is in line with ECC' adopted standards and the ECC highways officer has accepted that this will be sufficient to accommodate the likely demand. Obstructions to refuse vehicles caused by on street parking would therefore be limited. Notwithstanding this the proposed roads on the site are 4.8 metres in width which would allow a refuse vehicle to pass a car along the straight sections. The width of the internal road in the vicinity of the junction with Chapel Road will increase to 5.5m. Tracking plans are attached which demonstrate the path of a refuse vehicle entering the site from Chapel Road and turning within the development. The enforcement of parking following the completion of development will be overseen by a management company to prevent the obstruction of turning areas impacting any refuse collection"

Officer comment: In case the situation arises where refuse freighter do not enter the site a condition requiring agreement to the provision of a bin collection point within the site is recommended. The Highway Authority has also responded to this issue in their comments below.

8.2 **Highway Authority**

This Authority does not wish to raise an objection to the above application subject to Conditions.

Officer comment: The Highway Authority has been sent the representations raising highway issues and has responded as follows:

"The site as it stands could be renovated as a sports facility and club house and could already generate traffic including staff, players, supporters, and visiting teams etc. In this regard this Authority does not believe the proposal will generate a higher level of traffic and therefore will not create a highway safety issue. If the current parking on Chapel Road was creating 'a dangerous situation where traffic has to weave in and out of gaps between parked cars to progress along the route' it would be reflected in the accident figures. Looking at TraffWeb (<http://www.essexworkstraffweb.org.uk/main.html>) you can see that there have been no accidents reported over the last five years; having regard to the refuse freighter issue, as the internal road network is to remain private and managed under an appropriate agreement this Authority would have no jurisdiction and therefore cannot pass comment. If the refuse freighter does not enter the site, they already travel slowly along Chapel Road and a suitable refuse collection point could be created near the end of the access road thereby limiting the time the vehicle would be stationary in Chapel Road".

8.3 **Environmental Protection** recommend conditions should planning permission be granted.

8.4 **Archaeology Specialist**

There are no archaeological implications relating to this application, and no archaeological investigation will be required.

8.5 **Contaminated Land Officer**

It would appear that this site could be made suitable for use if the appropriate actions are undertaken with respect to contamination matters. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions:

8.6 **Arboricultural Officer**

I am in agreement with the information provided. The proposal shows the removal of numerous trees on this site but these are of low value as per the categorisation within BS5837: 2012 with the exception of G1 which are Lawson Cypress trees which, whilst of a higher category due to their condition, are not considered to be of importance on the site except for screening.

8.7 **Landscape Officer**

There would be no Planning Projects Team objections to this application on landscape grounds.

8.8 **Anglian Water** has raised no objection to the application they comment that the waste water treatment for the development is in the catchment of Tiptree Water Recycling Centre that will have available capacity for these flows. The sewerage system also has capacity for the foul sewage. They comment the preferred method of surface water disposal would be sustainable drainage scheme (SuDS) with connection to the sewer seen as the last option and recommend consultation with Essex County Council and Anglian Water regarding surface water; the recommend a condition regarding a drainage strategy.

8.9 **Essex County Council SuDS**

Thank you for your email received on 2nd November which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from the 15th April.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Drainage Strategy Proposals and Flood Risk Assessment and the associated documents which accompanied the planning application, we support the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the above mentioned document submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

- Whether insurance can be gained or not;
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Officer comment: The site is within the Environment Agency Flood Zone 1 which has the lowest probability of flooding.. New residential development is directed to flood zone 1 and the sequential test is not required. The site is not at risk from either surface water or river /sea flooding.

8.10 Planning Policy Comment

Proposal

The proposal is for 39 dwellings and the applicant has indicated that this will include 20% affordable housing. The site was the former football pitch for the Tiptree Football Club and as such is primarily defined as private open space. In response to this, the applicant has indicated that an area of open space off Colchester Road will be transferred to the Parish Council to compensate for the loss of this site.

Planning Policy Comments:

The site is situated on land which was formerly occupied by Tiptree Football Club, prior to the club merging with another football club. The land has not been in use as a pitch or for any other use for at least 6 years. As private open space and an area not in active use, it has not been identified as contributing towards open space provision in Tiptree since its relocation. Part of the site formerly housed buildings ancillary to the sports pitches. These have been cleared from the site and the area formerly occupied by the buildings is considered to be previously developed land (PDL). The key policy considerations are summarised below;

- 1) Tiptree is defined as a District Centre (2nd tier) in the spatial hierarchy (Policy SD1)
- 2) The site is within the Settlement Boundary for Tiptree
- 3) Although not used for 6+ years the site was last in use as private open space Policy DP15 is relevant together with evidence from the Open Space, Sport and Recreation Strategy and the recent Playing Pitch Strategy.

Policy SD1

Tiptree is a large district settlement identified within the spatial hierarchy as a second tier settlement and supports sustainable development in principle. The scale of the proposed development is not significant in relation to the current size and availability and accessibility of services and facilities within Tiptree. Policy SD1 also supports development of PDL as sequentially preferable to greenfield land which applies to a part of the site which also benefits from allocation for predominantly residential use. The whole area is situated in the existing built up area of Tiptree well within the settlement boundary within which there is a generally more permissive approach to sustainable development in principle.

Policy DP15

The proposed development will technically lead to a loss of private open space since its last active use was as a football pitch. Policy DP15 which seeks to protect all forms of existing open space from development is relevant. In order to support development on an area of open space under this policy it is necessary for it to meet specified requirements.

- (i) Alternative and improved provision to be created in a location well related to the functional requirements of the relocated use and its existing and future users.

The alternative open space provision offered by the applicant is located alongside the area identified with the Open Space, Sport and Recreation Strategy and the recent Playing Pitch Strategy as a priority area important to protect and enhance. Its opportunity to function as part of a wider hub is of overall benefit to the community as it is located close to the Tiptree Sports Centre and adjoins land at Warriors Rest which the Tiptree Parish Council is seeking to take on the management of, following the transfer of the lease. This additional area of open space will reinforce the objectives at a strategic and local level. The Open Space, Sport and Recreation Strategy also identifies the need for additional open space to the south west of Tiptree. It is also understood that Essex County Football Association are supportive of developing the Colchester Road area as a hub. Clearly this proposal does not contribute to this objective, but it is considered that the additional opportunity to further enhance the hub area off Colchester Road is of a significant benefit to the wider community. This does raise a point in respect of accessibility between the site and the replacement open space and the need to ensure that good connections are available for pedestrians and cyclists utilising existing routes and enhancing and promoting links between the two areas.

(ii) Would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general. The site has been inactive and unkempt for a number of years so has no amenity value. As an inaccessible area of private open space it is not identified in the evidence as contributing to a wider green infrastructure network or the character of the area as a whole. The proposed development indicates a small amenity area as part of the layout and design which could potentially make an enhanced contribution to the amenity of the surrounding area, albeit on a smaller scale

(iii) It achieves the aims of the Colchester Parks and Green Spaces Strategy. The proposed development including the provision of compensatory open space achieves the objectives of the Colchester Parks and Green Spaces Strategy, many of which are also reflected in more recent evidence documents including the Open Space, Sport and Recreation Strategy. Other policies in the Development Plan in relation to design, access and amenity are also relevant but this response focusses on the principle of development and the issues in respect of the open space at Colchester Road.

Recommendation: Support for the proposed development in principle based on the provision of alternative open space

8.11 Urban Design Officer

The layout is generally acceptable, subject to some detailed revisions.

There are areas of overlooking to existing residents and within the development

Detailed points

- The angle to plot 1's building should better address the vista into the site and avoid looking directly into the adjoining garden.
- Some car ports are undersized
- Garden sizes should be clarified against plot numbers

Street Design

- Visitor spaces should be indicated within the 6m street space in appropriate locations
- The link from Chapel Road should be clarified having regard to ensuring safe crossings to Bird Lane

House Types

- House types designs are generally outwardly poor
- Integral car ports (and space above) should be designed as subsidiary elements
- More frontage modelling is required in general to create visual interest
- More and correct detailing is required inherent to the intended architectural style
Detailing should also not be noticeably repeated (e.g. canopies) across entirely different house types and should instead offer greater (bespoke) consistency with individual house type designs.

Officer comment: Amended plans have been submitted since these comments were made the amendments remove the overlooking to existing residents, the car ports have been enlarged and amendment made to plot 1. The integrated car ports are now recessed behind the main front wall with a lower ridge height and timber elevation. Garden sizes comply with the Councils adopted standards. Visitor parking is provided in the form of parallel parking bays. Architectural features have been added and the detailed design and layout are now considered acceptable.

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 Tiptree Parish Council object to this application on the following grounds; over development of area, out of keeping with existing village street scene, inadequate parking provision on development which could impact on surrounding roads, inaccessibility for street services and emergency vehicles, highway issues particularly the entrance from Chapel Road

10.0 Representations

10.1 Councillor Martin has made the following comments:-

Planning Statement:- Para. 6.3---2nd. bullet point.

Please note that Factory Hall is part of the Wilkin & Sons property and is not now likely to come to TPC under their planning obligations. We would still like to have this Community facilities contribution to go towards further such hall facilities, of which there is a shortfall in Tiptree for our increasing population.

Officer comment: This contribution will go towards the refurbishment of St. Luke's Community Hall in Tiptree.

Para. 6.6---

TPC desperately need a community football pitch and the transfer to them of the applicants land at Colchester road would be ideal as it was Tiptree United's spare training pitch and is owned by the applicant and would be an equitable swap for the loss to our community of the very long term Chapel Road football pitch/open space. I am not sure whether this can be done legally under S106 or as a Condition but I would like to see it as a legal part of a planning approval.

Officer comment: This issue is explained in the report, if planning permission is granted for the use of this land its transfer to the PC will be secured in the legal agreement.

Otherwise, I have strong reservations re. this appln. as there is no provision for a pedestrian footway connecting via Morley Road to Church Road---the central shopping area of Tiptree. I am mindful that this development with only one narrow access to/from Chapel Road is a bit 'ghetto-like' in its enclosed state and not pedestrian friendly.

Officer comment: The provision of a pedestrian footway to Morley Road was considered by the applicant but as their site does not abut Morley Road it would involve land in private ownership.

10.2 Ten residents have raised objection to the application of these five refer to matters specific to the impact on their amenity and property.

1. The majority of residents raised objection relating to highway/traffic matters and these are summarised below

Adverse impact on traffic and pedestrian safety as Chapel Road is effectively a single width road caused by the on street parking along its length, particularly towards the junction with Church Road where the houses do not have off street parking. This creates a dangerous situation where traffic has to weave in and out of gaps between parked cars to progress along the route.

The Traffic Assessment does not seem to take in to account the extra volume of traffic that would be using the crossroads of Chapel Road/Church Road/Station Road which is already congested and dangerous. The trip rate does not take into account that in Tiptree 49% of homes have 2+ cars. In a commuter village with only a half-hourly, at best, unreliable local service and buses that run to the nearby stations even more infrequently and inconveniently missing the train connections, far more of the 88 cars catered for by the development could well be travelling in the peak periods. The accident analysis seems to be inconsistent stating that there was a serious accident in 2012 and then dismisses it in the next statement. Chapel Road is a part of the secondary network of routes in Tiptree, being among the most used roads after the two main B roads. Hence, the number of people accommodated needs to be reduced and/or there needs to be significant road improvement. The junction of Chapel Road/Newbridge Road and New Road is poorly laid out for pedestrians

The access to/from the new development will be via existing dropped kerb layout rather than creating a new spine road and bell mouth. The access is inappropriate for a development of this size. The pathway is used by young children on scooters and cycling. The entrance road to the development appears to be single width. Increases the likelihood of traffic waiting on Chapel Road to turn in and will further increase congestion along Chapel Road. Vehicles leaving the site would have sufficient views up and down the road to enable them to exit safely.

The report from ECC Highways shows a lack of understanding of Tiptree. The football ground has not been used for over 5 years, so any football traffic has not affected the road for many more years than 5 as in its decline the club was barely used, in addition to being a very minor club the ground was only for matches once every two weeks in the football season.

2. The hedges and trees along the west boundary are a haven for wildlife and the dwellings proposed are to be constructed far too close. These trees and shrubs are used as a bat highway/gateway and light and noise pollution would most definitely have a detrimental impact to their existence. Adding a few nest boxes and bat tubes is not the answer and these could potentially be removed by future occupiers. New potential occupiers would see these trees and hedges as an inconvenience and cut them down, disregarding the wildlife. It is important that the mature trees and hedges be retained with an adequate buffer zone from any development for the benefit of the wildlife enjoyed by the nearby inhabitants
3. Tiptree is short of open space, particularly in the southeast side of the built-up area of the village, so providing open space elsewhere worsens the situation for those living nearby.
4. The number of 2-bedroom houses provided by the application is around 23% of the total, this is in line with what Tiptree had at the time of the 2011 census, which falls short of the 28% enjoyed by Colchester, 26% in East of England and 28% in England. Unless this percentage is significantly increased to provide starter homes and homes for downsizers, more and more people will be forced unwillingly to leave the village. Dwellings unsympathetic to the locality surrounding the site where the need is for more one/two bedroom starter/retirement-type residences, than for larger properties.
5. Chapel Road is already considered a flood risk area and the proposed drainage for this site will be insufficient to improve the situation.
6. The site has always been intended for use by residents of Tiptree and not for development of this nature
7. This development is not required as we are currently seeing the building of 100's of new homes at the top of Factory Hill and on the Jam Factory site this is just over crowding an already crowded part of Tiptree. Tiptree cannot take anymore building on any piece of open ground until the council start to improve the services and employment prospects locally. This application should be refused and the area given over to the public good.
8. The proposed housing density out of keeping with the surrounding locality
9. Will detract from existing residents' privacy
10. Noise will be created when the building starts.

11.47 Chapel Road- the 50ft high trees/laurels between my property and the proposed development should be reduced to a more manageable height and the developer should ensure that the potential purchasers are instructed to manage and ensure that they maintain this reduction in height on an annual basis, ensuring that the trees / Laurels do not grow any taller.

Officer comment: These trees are to be removed and replaced with new tree and hedge planting the plan indicates the hedge will be maintained at a height of 1.8 metres.

- 12.37 Chapel Road - entrance too small, noise when building starts.
Officer comment: the Highway Authority is satisfied with the site entrance. Any development will generate a certain amount of disturbance; a condition requiring a Construction Management Plan is recommended.
- 13.41 Chapel Road- my property is adjacent to the access road , my kitchen windows faces directly onto the access road only some three metres from cars, lorries,

pedestrians etc. having full view into my house. There are privacy issues with both upstairs bedroom windows facing the access road. There would be noise issues also; my partner has recently undergone heart surgery. I am not objecting to the erection of this housing site, but would request that consideration be given to a fence or barrier being built in order to gain privacy and some way towards noise reduction. Lastly, I feel the building of 39 houses will certainly cause disruption to nearby residents over a considerable period of time. I would appreciate your views on this matter.

Officer comment: the case office has spoken to the resident and a boundary wall has been agreed this will be secured by condition.

14.57 Morley Road plot 1 is far too close to our boundary and would impact on our privacy, obstruct light from entering into our garden, also potentially causing a flooding risk to an already wet area. The whole of the west boundary adjacent to Morley Road is made up of single story dwellings, occupied by mostly retired or disabled people. Our privacy would be invaded from two story dwellings overlooking our properties, when we have all been used to the open space. There is also the noise pollution to be considered. Maybe single story dwellings would have been more sympathetic along this boundary. Parking will be at the bottom of our garden we object to noise and fumes.

Officer comment: these issues are considered in the main report.

15.15 Bird Lane Object to the proposed footpath from Bird Lane this would encourage people to park in our Lane and leave their vehicles so they can visit. Bird Lane is not big enough to take too much traffic as it is unmade and not wide enough.
Officer comment: this path has been removed.

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

11.0 Parking Provision

11.1 The application proposes 88 parking spaces which includes 15 visitor spaces. This meets the Council's adopted standard which requires a total of 88 spaces.

12.0 Open Space Provisions

12.1 The application includes an area of open space within the site to be maintained by a private management company. The legal agreement will secure an Open Space, Sport & Recreation contribution of £201,000 towards borough wide projects. In addition all the dwellings have a private garden which complies with the minimum garden size standard in the Essex Design Guide.

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 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- Affordable housing 20%
- Community facilities contribution £51,000 towards the refurbishment of St. Luke's Community Hall in Tiptree.
- Open Space, Sport & Recreation £201,000.
- To secure a Management Company to be responsible for the maintenance of the open space and communal areas within the site
- Residential travel packs to each residence (this will be secured by condition)
- Essex County Council are considering whether or not an Education Contribution is required.

15.0 Report

Design and Layout

15.1 The layout indicates dwellings accessed from Chapel Road with houses backing onto the gardens of existing dwellings. There is a central area of open space within the site and the new dwellings either face this area or front each other across the new street. The open space forms an attractive central feature within the development. The layout also indicates a dwelling facing down the access road towards Chapel Road to satisfactorily address the public view of the development.

15.2 The dwellings are all of a traditional design with pitched roofs and traditional materials to walls and roofs. The detailed designs also incorporate traditional details including chimneys, entrance porches, exposed eaves and brick plinths.

Scale, Height and Massing

15.3 The houses are 2 storey and of traditional proportions. One house type has a 1½-storey element to the rear with a cat slide roof and a dormer window. Whilst the surrounding area comprises residential development it has a mixed character. Existing dwellings are predominantly of traditional styles and proportions and include 2 storey dwellings, chalets and bungalows. The proposed development is in keeping with the character of the area.

Impact on the Surrounding Area

15.4 The site is in a sustainable location close to the centre of Tiptree. It is allocated for part residential and part public open space use. Any use of the site, whether for residential or private open space, would have an impact on the neighbouring area to some degree. The site was previously occupied by Tiptree United FC and this use would have had an impact on the surrounding area in terms of noise and traffic generation.

15.5 The application originally included a pedestrian access to Bird Lane but following comment from a resident in Bird Lane, a private road, this was removed from the scheme.

Impacts on Neighbouring Properties

15.6 As explained above, the site is surrounded by residential properties the new houses will back onto the gardens of exiting dwellings and the access is between no's 37 and 41 Chapel Road.

15.7 The south west boundary of the site abuts the rear gardens of bungalows in Morley Road. The dwellings proposed along this boundary are parallel to existing dwellings. In these situations where the 2 storey dwellings have habitable rear rooms the Essex Design Guide requires a minimum eye to eye distance of 25 metres from rear wall to rear wall and the new properties to have a garden a minimum length of 15 metres even if this means the 25metre distance is exceeded. The new dwellings on this boundary comprise 11 units which include 2 properties with habitable rooms at first floor these properties satisfy the 25 metres and 15 metre standard. The other 9 properties are the house type which includes a projecting 1 ½-storey element to the rear; this house type has been amended so the only windows in the rear elevation are an en-suite and a bathroom window; these properties are all 15 metres from the rear boundary. Conditions will require these windows to have obscured glazing and will prevent the installation of any new windows. The revised layout also repositions some dwellings so they are 15 metres from the boundary.

15.8 There is only one other property where a proposed house is parallel to an existing dwelling and in this instance the rear elevation has been revised to remove all first floor windows and these rooms will be lit by windows to the side. Again a condition will prevent the installation of new windows.

15.9 Whilst other dwellings also back onto the gardens of existing dwellings they are generally at right angles not parallel and in these situations the Essex Design Guide indicates 15 metres separation is acceptable or where there are no first floor windows a lesser distance is acceptable . Where side elevations face existing gardens they have no first floor windows and in all other instances 15 metres is achieved.

15.10 The amendments to the layout and window positions mean the amenity of residents is protected and the Councils privacy requirements are satisfied.

15.11 Access to the site is via the existing access from Chapel Road. This access passes close to nos. 37 and 41 Chapel Road. Both of these residents have objected to the application. As noted in the representation section the case officer has spoken to the owner of no 41 and agreed a wall along their boundary. This has been agreed with applicant and will be secured by condition. A condition requiring agreement to a Construction Management Plan is also proposed. The "Backland and Infill Guidance "recommends 3 metres either side of an access however this situation is different as it relates to an existing access which serves a site which is part brownfield and with a previous recreation use. Any use of site for either residential or private open space would involve the use of this access .The planning history indicates the clubhouse was also used by Tiptree United FC as a social club which was permitted to open throughout the week and until 11.15pm on Fridays and Saturdays and membership up to 500 members was permitted.

15.12 The use of the access to serve 39 dwellings is considered acceptable

Amenity Provisions

15.13 The application includes an area of open space which will be maintained by a private management company. All the properties will have a private amenity area which satisfies the Council's amenity standards. In addition to the onsite provision a financial contribution of £210,000 has been secured.

15.14 Part of the site is allocated as private open space. The relevant policy DP15 is set out in detail in the comments from the planning policy team. In summary this policy requires an alternative provision where development will result in the loss of private open space. The applicant has offered Tiptree P C approx. 2 hectares of land at Colchester Road Tiptree for their use for recreational purposes. This land abuts a substantial area of land owned by this Council allocated and used for open space purposes. Whilst this land is considered an acceptable alternative provision the current planning permission on the Colchester Road land is personal to Tiptree United FC and planning permission is required for its use by Tiptree PC. An application, reference 152845, has recently been submitted to vary conditions on the planning permission but is currently undetermined. It is anticipated that before the section 106 agreement is finalised a decision will be made. If planning permission is granted the transfer of this land to the Parish council will be secured in the legal agreement; should planning permission be refused a financial contribution to the Borough Council for "Tiptree Recreational projects" will be secured.

Highway Issues

15.15 The Highway Authority has raised no objection to the application and considers the width of the access and visibility splays is acceptable. The Highway Officer has seen the representations from the parish council and residents raising highway issues and maintains support of the application. The response from the Highway Authority is set out above.

15.16 The proposed access will be shared surface as it enters the main part of the development this is designed to give priority to pedestrians and encourages low vehicular speeds.

Other Matters

Trees /Ecology

15.17 The application documents include a Landscape Management and Maintenance Plan, Landscape Masterplan, Soft Landscape Proposals and Specification, Arboricultural Impact Assessment and Method Statement, Hard Landscape Proposals and Ecology Report.

15.18 The Arboricultural Impact Assessment indicates the majority of trees are of low value comprising silver birch and white poplar. The loss of these trees will be mitigated through new planting. The tree protected by a preservation order is retained. The Arboricultural Officer agrees with the recommendations of the report and has no objection to the removal of the trees.

15.19 The Ecology report identifies there are opportunities for breeding, nesting and foraging birds and minor foraging opportunities for bats in the vegetation along the west boundary. This area of vegetation, which includes the preserved tree, is to be retained within the development. The report details measures to mitigate the impact of the development and includes recommendations for enhancement of the site's ecological value.

15.20 The report suggests native hedging is encouraged within the development to create wildlife corridors for bats to use for foraging and commuting; lighting along the boundary corridors should be sensitive towards bats, and avoided where possible in order to maintain dark corridors for bats to use.

15.21 The enhancement recommendations will be secured by condition.

Drainage

15.22 The application includes a surface water drainage scheme which has been considered and approved by Essex County Council as Lead Local Flood Authority subject to conditions. This scheme is required as the site exceeds 1 hectare. The site is within flood zone 1 where new residential development is directed. Anglian Water has no objection and has confirmed there is capacity for waste water and foul sewage.

Section 106 contributions

15.23 The applicant has agreed to all the section 106 requirements and financial contributions including 20 % affordable housing. These are detailed above.

16.0 Conclusion

16.1 This development is proposed on a highly sustainable site close to Tiptree centre, part of the site is brownfield land and part a football pitch designated as private open space. The residential development has been the subject of negotiation with officers and an acceptable layout and detailed design has been achieved. A legal agreement will secure all the financial and other obligations required' this includes 20% affordable housing. In addition an alternative open space provision is proposed comprising approx. 2 hectares of land at Colchester Road Tiptree. The application is acceptable and planning permission is recommended.

17.0 Recommendation

17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- 20% affordable housing
- Community facilities contribution £51,000 towards the refurbishment of St. Luke's Community Hall in Tiptree.
- Open Space, Sport & Recreation contribution £201,000.

- A Private Management Company to maintain the open space and other communal areas within the site
- Transfer of land in Colchester Road to Tiptree PC at no cost for recreational sport use
- Education Contributions – subject to confirmation of Essex County Council.

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *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 P01 E, P02 I, SS01 E, P100 B, P101 B, P102 C, P103 B P104 A, P105 A, P106 C, P107 B, P108 B, P109 C, P110 B, P111 C, P112 A, P113 A, P114 B, P115 B, P116 B, P117, P118, P119 A, P120 A, P5/5 9713402v2, P121 A, P122, P123. P124 A, P125, P126 B, P127 B, P128 C, P129 D. P130 D, P131 A, P132 A, P133 A, P134 A P135; P136. P137 A, P138 A, P139 A, P140 A, P141 A

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

3 - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

4 - Materials Shown on Plan to be Agreed

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials. No works shall take place until details of alternative materials shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

5 - 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.

6 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills, canopies, hoods, plinth, chimneys, arches and all other architectural features to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure the architectural detailing is of a high quality.

7 -Non-Standard Condition/Reason

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.

8 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times. Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

9 - 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.

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.

10 - Non-Standard Condition/Reason

No works shall take place until details of a refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and shall thereafter be maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that adequate facilities are provided for a refuse collection point within the site.

11 - Non-Standard Condition/Reason

The access driveway shall be of a non-gravel construction, no works shall take place until details of the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect residential amenity.

12 - 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 DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and 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

13 - 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

14 - 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.

15 - 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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 - *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 13.

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

17 - Non-Standard Condition/Reason

No works shall take place until details of the 9 inch wall including, height and location and implementation timetable adjacent to no 41 Chapel Road has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect residential amenity.

18 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings or approved in discharge of conditions, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway or private road (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

19 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), all the windows in the first floor rear elevation of all dwellings to both ensuite and bathrooms shall be glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

20 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, roof lights or other openings shall be installed above ground floor level within the rear or side facing elevations WALL(S) or roof FACE(S) of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

21 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall also provide a 2m wide pedestrian footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24 - Non-Standard Condition/Reason

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of safety.

25 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26 - Non-Standard Condition/Reason

All single garages should have a minimum internal measurement of 7m x 3m.

All double garages should have a minimum internal measurement of 7m x 6m.

All tandem garages should have minimum internal measurements of 12m x 3m.

All garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

27 - Non-Standard Condition/Reason

The garages/car ports forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

28 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

29 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- 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 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.

30 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

31 - 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.

32 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998. All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

33 - 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.

34 - Non-Standard Condition/Reason

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

35 - Non-Standard Condition/Reason

Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be based on the Flood Risk Assessment referenced TRS/INL/E4375/15713, dated 27th October 2015.

The scheme shall include:

- Run-off rates limited to a minimum of 50% betterment on existing brownfield rates from the site.
- Attenuation storage which will cater for the 1 in 100 year critical storm plus allowance for climate change.
- The appropriate amount of treatment stages.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

36 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until pipes within the extent of the site which will be used to convey surface water are cleared of any blockage.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

37 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until such time as 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 be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

38 - Non-Standard Condition/Reason

Prior to commencement of the development the applicant must submit 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.

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.

39 - Non-Standard Condition/Reason

The adopting body responsible for maintenance of the surface water drainage system must record 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 approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

40 - Non-Standard Condition/Reason

No drainage works shall commence until a surface water management strategy has been submitted to and approved, in writing, by the Local Planning Authority. No hard- standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

41 - Non-Standard Condition/Reason

No works shall take place until a detailed scheme, including an implementation timetable, to secure the recommendations of the Ecological Appraisal dated August 2015 prepared by ACD has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the impact of the development on the site's ecology is appropriately mitigated.

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) 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. Please pay particular attention to these requirements.

(4) INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with the works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(6) 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.

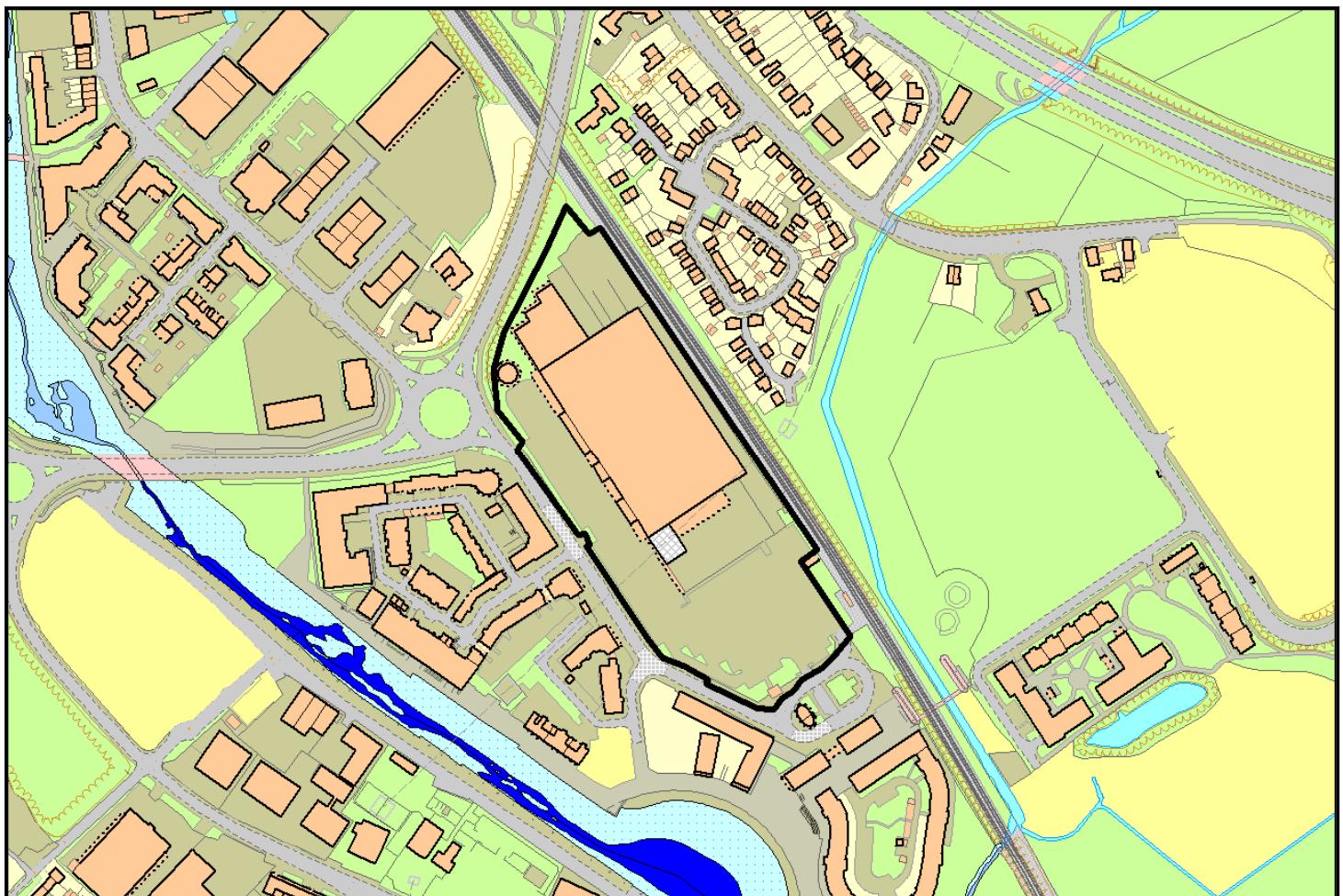
(7) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(8) PLEASE NOTE: This site is the subject of a Tree Preservation Order.

(9) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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.



Application No: 143715

Location: B & Q Warehouse, B And Q Warehouse, Lightship Way, Colchester, CO2 8JX

Scale (approx): 1:2500

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7.2 Case Officer: Simon Cairns

MAJOR

Site: **B And Q Warehouse, Lightship Way, Colchester, CO2 8JX**

Application No: **143715**

Date Received: 4 April 2014

Agent: Indigo Planning

Applicant: Sainsburys C/O Agent

Development: Use of premises as a retail food store with external alterations; installation of a GOL facility, colleague area; two concessions and domestic area at ground level and a cafe at mazzanine level; the removal of the existing garden centre and builders' yard, provision of cycle parking, recycling facilities and reconfiguration of the customer park park

Ward: St Andrews

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee firstly because the application falls with the category of major development and objections have been raised regarding the retail impact of the proposal on the Town and District Centres together with compliance with relevant planning policy; and secondly because the recommendation requires the completion of a legal agreement under s.106 of the Act.

2.0 Synopsis

2.1 The key issues explored below are the retail impact upon the Town and other centres, the appropriateness of the location in terms of sequential desirability in relation to town centre first policy hierarchy and the impact of the trips generated upon the capacity of the transport network, in excess of those generated by the existing DIY store use. The Highway Authority has no objection on highway capacity and safety grounds since following protracted negotiations the submitted modeling is considered adequate to allow the nature and magnitude of these impacts to be quantified and consequently for relevant mitigation to be identified and agreed with the developer. The change in the nature of the retail use requires planning permission, due to a planning condition that restricts the nature of goods permitted to be sold, despite the use falling within the same use in the Use Classes Order. In addition physical changes are proposed to the building and car park areas.

3.0 Site Description and Context

3.1 This application relates to the existing B & Q DIY superstore in east Colchester situated between the Hythe and Greenstead. The existing store has been trading since 2001 and is prominently located on the north side of Lightship Way, an unadopted highway (cul-de-sac) immediately to the north east of the roundabout junction of Lightship Way with Hawkins Road and Colne Causeway. The application site covers an area of 3.469 Hectares. The existing store is a substantial building of rectangular plan set within an extensive area of associated private forecourt parking to the south and east of the building accessed from the eastern end of the 'no through' road. On the east flank of the existing store is a garden centre facility whilst to the west side is an external builder's yard area with a service yard area set to the rear. The service yard is accessed via a driveway running across the northern flank of the store and garden centre areas. To the north of the store is a railway line that links the Town Station to Wivenhoe via the Hythe Station. The rail line provides separation of the store from the residential area to the north. To the immediate south of the store is a predominantly residential area. This comprises blocks of flats with limited retail uses on the frontage to Lightship Way. The eastern end of Lightship Way closest to the railway bridge that links the area to the University of Essex campus to the north east of the Salary Brook is predominantly in use as student accommodation. This area of residential development and student accommodation addresses the north bank of the River Colne that in turn creates a barrier to pedestrian and cycle movements from the wider hinterland to the application site. This barrier effect necessitates the use of the busy Colne Causeway distributor road by pedestrians and cyclists. It provides the sole connection between Greenstead roundabout in the north to the Hythe roundabout to the south west with the new landmark student 'Maltings' development set on the south east quadrant via the single bridge over the River Colne. In terms of vehicular and pedestrian/cyclist connectivity, Colne Causeway carries heavy traffic (including significant numbers of HGV's) and whilst it has a segregated shared use cycle lane (on the footway of the east side of the road) this does not extend into Lightship Way nor are there any dedicated crossing points (Toucan etc.). The roundabout at the junction of Lightship Way with Colne Causeway provides direct access to Hythe Station via Hawkins Road on the opposite limb of the roundabout, approximately 300 m distant. The lack of formal pedestrian/cyclist crossing points on Colne Causeway has the effect that no provision is made for east-west or north-south movements at the busy roundabout that lies immediately adjacent to the south west corner of the application site. A single pedestrian access point presently provides direct access to the store from the north side of Lightship Way opposite the junction with Quayside Drive, a narrow residential close serving several blocks of flats. The existing store is served by a single public bus service on Lightship Way (61/61A/) with a 20 minute service frequency on Monday-Saturday and a 30 minute frequency on Sundays. The closest bust stop to the site is located at the south east end of Lightship Way adjacent to the student accommodation.

4.0 Description of the Proposal

4.1 The proposal seeks to remove the restriction imposed on the range of goods that may be sold from the premises. (outline planning permission ref: COL/98/1047 – condition 6) that states: “The retail development...comprising a DIY store, garden centre and builders yard....shall be used only for the sale of DIY goods or related products and materials, as may be agreed by the local planning authority and for no other purpose including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987,,.”

4.2 The proposal thus seeks to remove this restriction in order to use the premises as a supermarket providing 15,787 sqm (120,115 sqft) gross external floor area. This would provide 7,197 sqm (73,529 sq ft) net retail floor area split between convenience (groceries) and comparison (homeware) goods. It is anticipated that the proposed Sainsbury operation would employ c.450 people (full and part-time) with an anticipated 10 further jobs in the two proposed concessions. Some 458 parking spaces are proposed (including 30 disabled and 30 parent and child dedicated spaces, 5 staff spaces) with covered cycle parking for 50 customer and 30 staff bicycles. The proposal would remove the existing builders yard and garden centre facilities and extend the parking area to occupy the area formerly occupied by the garden centre with a revised parking layout and circulation. The proposed service yard would remain in the same location (north west corner adjoining the rail line) with the same access arrangements as existing. A Sainsbury's in-store café is proposed on a mezzanine level above the south east corner of the store with a proposed healthcare concession (in front of the service yard) and second small unspecified concession (adjoining the store entrance) with a total floor area of 337 sqm. Within the enclosed service area, a Home Delivery (Goods On-Line) facility and staff area is proposed. Within the store the usual range of goods/services are proposed including a 'click and collect' facility and externally cash points (ATM) are proposed within the south, principal elevation.

4.3 The proposals provide for the external rebranding and refurbishment of the existing store, including removal of the existing brise-soleil and canopy from the store frontage and the addition of a solid roofed canopy extending over the pick-up area on the south east corner of the store. On the store frontage a new glazed link is proposed between the entrance lobbies to match the adjacent glazed frontage areas. Any inevitable changes in signage would be subject to a subsequent application although indicative signage is shown that reflects the type of signage normally associated with Sainsbury's stores. The scheme proposes to remove all of the existing trees within the parking areas but the Plane trees inside the boundary walling would be retained. Replacement of the trees within the parking area is proposed by a smaller number of more mature trees.

4.4 The proposed Sainsbury's store has a net trading area of 6,831 sq m comprising 3716 sqm (54%) of convenience goods (grocery) and 3115 sqm (46%) of comparison goods.

5.0 Land Use Allocation

5.1 The site is allocated as an employment zone in the adopted local plan falling within the East Colchester Growth and Regeneration Area.

6.0 Relevant Planning History

6.1 The most relevant planning history relates to the original planning consent for the erection of the existing B & Q DIY store. This was granted outline consent under reference COL/98/1047 and reserved matters submitted under reference RM00/0153. Condition 6 of the outline consent restricts the range of retail goods that may be sold to DIY products and related goods. The outline consent is subject to a s.106 agreement that required the payment of various financial contributions and precluded the use of the site for uses falling in classes D(2)(d) or (e) and Class A3 of the Uses Classes Order 1987 (as amended).

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 The key paragraphs in the NPPF concerning the vitality of Town Centres and retail impact are as follows:

Employment sites:

22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Town centre uses and the sequential test:

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Promoting Sustainable Transport:

29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
 - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

The glossary to the NPPF includes the following definitions of relevance:

Edge of centre: For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area.

Town centre: Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

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

SD1 - Sustainable Development Locations (revised July 2014)

SD2 - Delivering Facilities and Infrastructure (revised July 2014)

CE1 - Centres and Employment Classification and Hierarchy identifies Greenstead Road as an Urban District Centre

CE2 - Mixed Use Centres

CE2a - Town Centre

CE2b - District Centres

CE3 - Employment Zones

UR1 - Regeneration Areas

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

ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, revised 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

DP17 Accessibility and Access

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

7.4 Further to the above, the adopted Site Allocations (adopted 2010, amended 2014) policies set out below should also be taken into account in the decision making process:

SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area refers to Cowdray Centre

SA EC1 Residential development in East Colchester

SA EC2 Development in East Colchester

SA EC7 University of Essex Expansion

SA EC8 Transportation in East Colchester

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

Vehicle Parking Standards

Sustainable Construction

The Essex Design Guide

External Materials in New Developments

Cycling Delivery Strategy

Adopted Colne Harbour [East Colchester] Masterplan Adopted January 2008 paragraphs .4.78-4.79 which refer to bridging the River Colne and connectivity as follows:

“4.78 Although the River Colne is a significant asset around which development in Colne Harbour will be structured; it nevertheless presents a barrier to east west movement. Therefore the provision of safe and convenient pedestrian and cycle bridging points over the River Colne will be a priority. New footbridges improve connections between the banks of the river and enhance the walkable catchment areas for ground floor commercial uses as well as access to public transport and footpath and cycle network.”

“4.79 Three primary bridging points have been identified – creating strong connections to the university quayside and both enhancing the walkability of the area while providing access to bus services operating from the university halls of residence:

- alongside the Coldock site at the southern end of King Edward Quay;
- the area around the end of Distillery Lane, continuing this route from the pond, through King Edward Quay and across the Colne; and
- Gas Quay to the east bank of the River Colne and beyond to Hawkins Road,”

8.0 Consultations

8.1 **Anglian Water:** comment “The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as it is unclear how much flows are proposed to be disposed to the public sewer. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We will request that the agreed strategy is reflected in the planning approval. The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent.” In addition, a planning condition is recommended. Officer Comment: The applicants have confirmed that there is no increase in drained areas

and the existing sewer connections would be retained as existing. Anglian Water's comments are in the mistaken belief that this is a new store rather than the re-use of an existing store and the conclusions drawn are therefore erroneous.

8.2 **Environment Agency:** confirms that the site is located within a flood risk zone. (zone 2 & 3). The site benefits from protection offered by the Colne Barrier and tidal flooding would only be expected at the site if the barrier failed to close or was breached. The risk to the site from tidal sources is therefore a residual risk. The Strategic Flood Risk Assessment demonstrates that if there were to be a breach in those defences during the 1 in 200 cc event the site would be flooded, giving a high, medium and low hazard across the site. A FRA prepared by RSKLDE LIMITED Ref:132205-R1(1) –FRA dated Feb 2014 has been submitted to inform your decision on this.

The risk of flooding is residual (tidal) in the event of a breach of the Colne Barrier and we are satisfied that the FRA provides you with the information necessary to make an informed decision.

In conclusion, the Agency in their response dated 16.05.14 raise no objection but request that a Flood Response Plan be prepared to cover potential safe refuge and evacuation should a significant flooding event occur.

Officer comment: This has been incorporated into the suggested conditions.

8.3 **Environmental Protection:** recommend conditions in the event that the application is approved. These relate to the provision of a Service Yard Management Agreement, details of flood lighting to be agreed and details of odour extraction and control also to be agreed prior to first use of the premises.

In relation to the issue of air quality, there is currently no monitoring undertaken on Colne Causeway. The applicants are referred to the Draft Guidance in relation to major development and the need to deliver appropriate mitigation for any adverse impacts resulting from the development. This could include the use of gas powered delivery vehicles.

Officer Comment: In the event that consent were granted, a condition requiring a programme of air quality monitoring and any requisite mitigation measures to be agreed could be imposed to address this issue in accordance with the draft guidance. However, given the existing retail use of the site this could be judged unreasonable and on appeal such a condition could be vulnerable.

The Environmental Protection Manager (EPM) subsequently requested (20.01.15) an air quality impact assessment (AQIA) report on the following grounds;

- This is a proposal that is likely to result in increased congestion
- This proposal will significantly alter the composition of traffic (increase in HDV trips) such that adverse air quality impacts may arise
- This proposal may cause a negative effect on nearby areas of poor air quality

The EPM notes that the transport assessment appears to only discuss peak times (Friday, Saturday, Sunday) and was unable to identify any projections for AADT of the operation phase of the development. The EPM concludes that there would be an increase of 5% traffic volumes which would also trigger the requirement of an AQIA.

Officer Comment: Given the lateness of this request, and present retail use of the site, it was considered unreasonable to request the preparation of an AQIA report.

8.4 **Planning Policy Manager, spatial policy:**

The proposal involves re-use of an existing B&Q warehouse for use as a Sainsbury's supermarket. The relevant retail planning policies include Colchester's adopted Centres and Employment policies along with the NPPF's guidance on how planning policies should guide the management and growth of centres over the plan period. Colchester's Centres and Employment policies were ultimately not included in the recent Focused Review of Colchester's adopted Local Plan which revised selected policies to bring them into compliance with the NPPF, which postdates the Core Strategy. Accordingly, the NPPF takes precedence over the Core Strategy Centres and Employment policies to the extent there are any inconsistencies between the two documents.

Policy CE1 - In terms of employment generation the Sainsbury's store will employ more than the B&Q store. In this regard, the proposal is considered to address the target in Core Strategy Policy CE1 (Centres and Employment Classification and Hierarchy) for the Borough to plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021.

Policy CE3 - The site is located within an Employment Zone, which is covered by adopted Core Strategy Policy CE3. CE3 provides that 'retail developments will not normally be supported in Employment Zones', however given the current use of the site as a retail warehouse, it is not considered that the use of the building as a supermarket would represent a loss of the site to B use employment as it would be a continuation of the non-conforming use.

Retail Assessments

The proposal has been the subject of a series of retail assessments. The initial Indigo retail assessment sought to address the requirements of the NPPF to firstly, identify sequentially preferable sites for the proposed use, and secondly, to assess the impact of the proposed town centre use on the Town Centre. This initial work was then critiqued by Nathaniel Lichfield Planning (NLP) in a report dated 21 May 2014. The Council has retained NLP for several retail proposals in non-Town Centre locations across the Borough to ensure a consistent approach to their consideration. Martin Robeson (MRPP) then submitted a succession of representations. (24 July, 12 September, 7 November and 13th November 2014) on behalf of Tesco which raised concerns about the impact of a new supermarket on its nearby Greenstead store. These reports were rebutted by Indigo, Sainsburys planning consultants, in reports dated (12 June, 19 August and 24 October 2014). NLP carried out further review work commenting on the issues raised, with reports issued on 2 July and 27 November. The final NLP report on 27 November pulled together and updated previous advice in the light of submission received from the applicant and MRPP. The final report detailed a number of technical points concerning the study methodology, but in policy terms, the most important sections relate to the two key areas of retail policy around the

sequential approach and impact on other centres. As the Council's retail advisor, the 27th November report by NLP provides the basis for key conclusions on these issues.

Sequential approach: The applicant appeared to concede in its assessments that a large food store could physically be accommodated on either the Vineyard Gate or Cowdray Centre sites. NLP did not consider that based on the evidence provided by the applicant, these two sites had been adequately discounted on viability and/or suitability grounds. NLP advised that the Council should consider the suitability of a large food superstore of the size proposed by Sainsbury's on both sites.

Subsequently (12 June 2014), Indigo submitted a report elaborating on those sites which argued that the Vineyard Gate site, based on the latest information, would not be delivered until 2019 which was after the period for delivery of Sainsbury's at the B&Q site. NLP responded on 7th July by noting that the B&Q site could also be subject to delays given the need to relocate B&Q and that delivery periods could accordingly be comparable.

Deliverability issues were also highlighted for the Cowdray Centre. Indigo discounted that site on the basis that redevelopment has yet to proceed, with access, traffic, amenity, and viability issues to be resolved. Furthermore, Indigo noted that Sainsbury's is seeking re-use of a building rather than a cleared site.

Timing is accordingly a key consideration for both sites. In the case of Vineyard Gate, it is also important to establish whether the Council, as landowner, wish to consider a supermarket anchor for the Vineyard Gate site. The CBC Regeneration Officer has stated:

From a regeneration and economic growth perspective the Council are seeking a scheme in the Vineyard Gate area which provides for a mix of retail, possibly with some leisure uses to ensure the town centre continues to grow in a sustainable way and supports the expansion of its visitor and tourism economy. We do not consider from an economic growth and regeneration perspective that a single supermarket use in this area would deliver these aims.

Furthermore we have concerns about the amount of comparison goods within schemes being developed outside the town centre and would like this to be taken into account in your discussions.

The Council has confirmed that a supermarket anchor tenant is not being sought for Vineyard Gate, so the site is discounted as a sequentially preferable one. The concerns about the impact on long-term investment are covered in the following section on retail impact.

While the owners of the Cowdray Centre have not ruled out a supermarket on the site, the 2017 delivery date for a supermarket is not considered realistic in the short term given the lead time necessary to develop a workable scheme for the site. The current submission for half the site of a primarily residential development reinforces the view that the site is not available.

Impact assessment: - NLP accepted the conclusion that the proposed Sainsbury's would not have a significant impact on the Town Centre or on the Urban District Centre at Greenstead Road (although it would have a significant 28.1% trade diversion effect to 2017). Tesco, represented by Martin Robeson, submitted an objection to the Sainsbury's proposal on the basis that it would have a negative impact on the existing Greenstead Urban District Centre. The objection, however, is not accepted on the basis that the Greenstead Urban District Centre is formed of only one store. The proposal is not considered to be likely to result in the closure of the Tesco's. Accordingly, no harm to the Centre can be upheld. Significant trade diversion does not necessarily equate to a significant adverse impact in terms of the NPPF tests.

This will depend on specific circumstances. In this case there will be no impact on local consumer choice or a dilution in Tesco's offer/role. The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.

In terms of other planned supermarkets, NLP has assessed the impact of the Sainsbury's food store on the the North Colchester Urban Extension store which is not expected to be significant.

Indigo submitted further information on the cumulative trade impact on the Town Centre (combining comparison and convenience categories) which they considered reinforced the point about lack of impact of Sainsburys.

Martin Robeson has raised concerns regarding Indigo's retail impact figures. These concerns have been considered by NLP who undertook their own impact assessment. The average impact on convenience goods facilities in Colchester town centre is - 9.7% in 2017, primarily focused on the Priory Walk Sainsbury's store. There is no evidence to suggest the Sainsburys store will be forced to close. NLP considered that it is unlikely the reduction in convenience goods trade will lead to other shop closures within the town centre. The retention of the Priory Walk store could be secured by a Section 106 agreement for a five year period.

The comparison turnover of existing facilities within Colchester is estimated to decrease by -3.9% in 2017. This reduction will be offset by population and expenditure growth between 2014 to 2017 and this level of trade diversion is not expected to lead to shop closures within the town centre. The main concern is the potential impact on longer term planned investment. The 2019 projections suggest there is insufficient comparison goods expenditure capacity to support the level of comparison sales floorspace proposed as suggested by previous Vineyard Gate proposals. The maximum theoretical expenditure deficit at 2019 could be £49.50 million, about 5% of total expenditure available in the Borough at 2019, or around two year's growth in expenditure. A two year delay would not necessarily jeopardise the Vineyard Gate development, particularly given the lack of a developer/landowner objection to the Sainsbury's store planning application and the amount of comparison sales floorspace proposed.

There accordingly do not appear sufficient grounds to warrant refusal of the scheme on the basis of adverse retail impact on other Colchester retail centres.

8.5 Transport Policy Manager: Transportation Policy Comments

1. Introduction

The comments set out below are set out against the Core Strategy Policy. These are also supported by Development Control, Site Allocation Policies and Supplementary Planning Documents.

2. Policy TA1 – Accessibility and Changing Travel Behaviour

The proposal is located within the East Colchester urban regeneration area. In overall terms this is an accessible area being served by walking cycling, public transport and vehicle route. The site is close to major existing and developing residential areas.

Compliance with TA1 involves improvements to site accessibility as well as locating development in an accessible area.

The existing transport infrastructure in the area provides barriers to sustainable movement which need to be crossed to access the proposed development:

- Colne Causeway/Eastern Approach
- A133 St Andrews Avenue/Clinghoe Hill to the north east
- The Colchester Clacton Rail line to the north east
- The River Colne – forms a barrier to the west

The proposal relies heavily on the existing infrastructure for access and the store design does not promote sustainable access for both the shopper and employees. Issues relating to the specific sustainable modes are set out below.

The applicants have submitted a Framework Travel Plan which needs to be funded to ensure its success. Its success also depends upon changes to the design and existing infrastructure to promote walking, cycling and public transport. There is no evidence provided on how the Travel Plan will help manage car parking demand, especially as the number of car park spaces are at least 25% less than the adopted standard for retail. (See Policy TA5 and adopted Parking Standards, Design and good practice).

The travel plan has set targets for staff and this is welcomed however the target for customers is “xx% to be aware”. The target for customers needs to be more specific especially when the car park is less than the maximum provision.

The targets are set for 5 years, travel planning needs to continue after this date to ensure that the targets are not eroded. Within Colchester there is a number of organisations, public and private, who benefit from being part of the Colchester Travel Plan club. For a fee this gives access to resources, coordination of programmes and support for the organisation's own travel plan officer.

3. Policy TA2 – Walking and Cycling

The current proposal does not make best use of its accessible location and the existing networks. To give priority to walking and cycling in accordance of policy TA1 the design of the site layout and improvements to connect it to the wider area are required and to deliver on the adopted Colne Harbour East Colchester Masterplan (January 2008) to support the creation of a cohesive development area. The adopted cycling SPD sets out the features of good quality cycle links including:

- Direct
- Traffic free
- Quality routes
- Continuous

Not all of these can be achieved but the proposed car park layout does not give those walking and cycling to the store a sense of priority. There are two obvious desire lines; one from Lightship Way (Quayside Drive) to the store entrance and the other from the existing Lightship Way bus stop to the store entrance. Pedestrians and cyclists should be given a step free segregated access route to the store entrance with priority across the internal car parking roads. A dedicated route has been shown on the latest drawings across the car park from the end of Lightship Way. Further improvements are needed to access from the Colne Causeway End of the road to the store entrance to provide continuity. This could either be achieved by providing a link from the adopted highway through the wall and or allow cycling on the pavement on the unadopted section. This would still require cycle rights to be given over the adopted section.

There are a number of points on the Highway Network where crossing of the road network is required to connect the store and improve its accessibility from the surrounding area. This can be achieved by extending the cycle network and the providing crossing points around the Colne Causeway Roundabout and along Lightship Way.

Much of Lightship Way is not adopted, has street lighting installed but is not in use. As the store is to be open into the evening hours the Sainsbury's needs to create a more secure environment for customers, staff and those passing through the area Sainsbury should pay for the running costs of the lighting and its upkeep.

These small changes can be delivered by condition or through a legal agreement.

The Borough Council adopted Colne Harbour East Colchester masterplan (January 2008) supports the creation of a cohesive development area. Sections 4.78 – 4.82 outline the need for the bridging the Colne to link together the different parcels of land with good quality walking and cycling routes to enhance the development area.

The adopted cycling SPD sets out the features of good quality cycle links including:

- Direct
- Traffic free
- Quality routes

The provision of a walking and cycling bridge to the east of the Colne Causeway links together the two banks of the development area where significant land use changes are occurring. A new bridge will also benefit the wider existing community by giving traffic free access from the Distillery Lane, Old Heath area.

The store will attract students as either customers or employees. However, the bridge across the railway line prohibits cycling. To provide real choice to travel this barrier to cycling should be removed.

We believe that a financial contribution should be made by Sainsbury's to support the delivery of the bridge to deliver sustainable transport and the wider objectives of the regeneration area.

Conclusion

Changes are needed to be given in the design and layout of the store to improve the access for walking and cycling, for both staff and customers. The proposed design is limited especially when the trip rates are based on local demography and the proposed car parking levels are less than the maximum.

4. Policy TA3 – Public Transport

The Core Strategy Policy and Development Policy 17 Accessibility and Access requires that proposals for development shall incorporate satisfactory and appropriate provision for public transport and measures that reduce dependency on private vehicles.

Currently the site is on one regular bus route; service 61 operating down Lightship Way. The 61 operates from Colchester Station, Town Centre and to the University. The 61A is a modified service 61 operated on a Sunday but not running the full route. (source: Traveline and First Essex website).

(Service 61c which is quoted in the TA appears to no longer run or is no longer identified as a separate service in the time tables).

Buses are particularly important for those without access to the car – the young, the old and 1 car families where the car is used for commuting. The six surrounding wards range from 69% to 83% of households do not have a car or access to only 1 car. This is higher than the average for those without access to a car in Colchester.

The residential areas of New Town and Old Heath will be connected to the store by service 61. However, those nearby but across St Andrews Avenue in Greenstead will not be connected by public transport.

Service 61 also serves the residents of Lightship Way to access other parts of Colchester, including the University, Whitehall industrial estate, the town centre and the railway station.

Current Service level and frequency

Most of other major supermarkets in Colchester are on multiple bus routes (3 or 4 routes). This proposal is reliant on the successful operation of only one bus service. All other bus services are further away than maximum 400m (IHT guidance) walk distance to a bus stop.

Weekday and Saturday Service

Service 61 operates on a 15 minute frequency on week days from 07:00 up until 19:45. On a Saturday the service starts around 09:00 and runs until a similar week day time. These times are in line with the current B&Q opening times.

Sunday Service

The service is approximately every 30minutes starting at around 11:00 and finishing at 20:00. The current Sunday service starts 1 hour after the store opens.

Conclusion

Part of the success of travel change behaviour (policy TA1) is to have services and infrastructure in place for both customers and staff to be able to use whilst the store is operating and the service should be extended.

Sainsbury have offered to cover the costs of extending the week day service for one year to run whilst the store is open, but not the Sunday morning service.

Access to Bus Stops and Queuing traffic

Currently the nearest bus stop is at the eastern end of Lightship way. This stop is some 250m away from the entrance to the store. The current stop serves the University Quays accommodation, the University and Knowledge Gateway via the railway footbridge. A new stop should be provided on Lightship Way (near the junction with Quayside Drive). This should be on the store side of the road to reduce the distance to the store entrance and crossing the road with bags of shopping. The stop should have a flag shelter and real-time information. Sainsbury will need to resolve the legal matters of locating such a feature on an unadopted road.

Real-time information should also be provided at the existing stop at the end of Lightship Way and innovatively in store. This could give customers time to have a refreshment in the café before going to catch the bus.

The continued success of service 61 along its whole route will be dependant on the operation of Lightship Way.

If the car park does not load efficiently and or demand is greater than the level of car parking provided queues will form back onto Lightship Way with an impact on the operation of the bus service. Queuing into the Colne Causeway Roundabout could also impact on bus operation.

We are aware of problems at other superstores, retail parks where the inefficient loading of the car park has resulted in queuing back onto the highway e.g. Sainsbury's Tollgate. Some of the queuing issues have been addressed by further investment in the car park post opening. First buses inform us that they had to withdraw a high frequency service from Asda Turner Rise due to queuing traffic.

Currently with B&Q operating First Essex Buses have confirmed that bus service is not delayed as it goes down Lightship Way or when it rejoins Colne Causeway at the roundabout.

The next nearest stop is 460m away near the junction of Elmstead Road and Colne Causeway (to the north of the site). This stop cannot be considered as an alternative as it is greater than the maximum 400m maximum distance prescribed by IHT guidance (desirable is 300m).

Concerns have been raised that the existing bus stop is some 250m away from the store entrance, which disadvantages those with mobility impairments. Local discussions with First Buses suggest that they would be willing to stop to pick up and drop off at the entrance in Lightship Way opposite Quayside Drive – this would reduce the distance to the store entrance to approximately 50m.

Part of increasing the use of public transport is the provision of timetable information. ECC have invested heavily in the upgrading the public transport real time information systems on the bus and at bus stops.

Attractive bus services require frequent reliable services and where possible avoid traffic congestion. The impact of congestion is that the bus operator could withdraw the service from Lightship Way to avoid queuing. However, there are no stops on Colne Causeway, which could serve Sainsbury's and the University Quays development.

In Hertford the legal agreement Sainsbury approved included a trigger point to release up to £250,000 if car parking was greater than expected and the funding was directed to Sustainable Transport Measures.

The traffic assessment indicates an increase in traffic movement at the Colne Causeway Roundabout with changes in turning movements and certain arms near or over capacity in the modelled time periods. We have raised these and a number of traffic concerns with ECC.

More information is required to demonstrate that the traffic flows generated do not impact upon the reliable operation of the bus service. Further comments relating to this matter are set out under section TA5 Parking.

Conclusion

There are some basic changes that could be made to ensure that the development is sustainable and is consistent with promoting sustainable transport and provide real choice. The bus service needs extending, stops and real-time information provided.

The major concern is the car parking standard, accumulation and trip rates and the potential impact on the wider operation of the bus service. An approach has been suggested in the TA and used at other Sainsbury stores to set up a monitoring scheme and release funding for sustainable transport if triggered.

5. Parking - Policy TA5, Development Policy DP19 and Adopted Parking Standards

Car Park Design

In discussion with the North East Parking Partnership Manager who manages a variety of public car parks in Colchester efficient loading of car parks relies on the design and layout which can greatly influence the individual car driver's behaviour in seeking a space quickly.

The most popular spaces are those nearest the store entrance and drivers tend to try and seek these first. The entrance, the pick up point, the cash points are close together and in an area where customers need to cross the car park circulation road. The combined impact of these movements can dictate how well the car park fills.

Sainsbury's have submitted car park accumulation data based on other stores. It is not clear how appropriate these stores are in terms of size, car parking use and demography and can be applied to Colchester.

There is no evidence that the car park as designed will fill efficiently at the rates set out the information provided.

Car Parking Standards

The proposal provides 548 spaces (including 30 disabled spaces) for a gross floor area of 11,147sqm.

The adopted parking standards suggest a maximum of 1 space for 14sqm of GFA (for A1 food), 1 space for 20sqm (for A1 non food) + disabled parking.

54% of the proposal is food, 46% of proposal is non food retail. Applying the adopted standards suggest a maximum of 718 including 32 disabled spaces.

The Transport Assessment (para 4.4, para 6.2) it appears that no parking allowance has been made for the health care concession and second in-store concession.

548 spaces are only 75% of the maximum number of spaces and is one space per 20.3sqm of store. The adopted standard does allow for a lower provision of vehicle parking standard if in an accessible urban area where there is good access to alternative forms of transport and existing car parking facilities. There is not any shared car parking in the area and there are concerns over access to alternative forms of transport.

In comparison the current B&Q store has 467 spaces. The Greenstead Road Tesco has 562 spaces (including 28 disabled) for a store of approximately 6900sqm (gross floor area). This is one space per 12.3sqm of store.

Car Park Design and Layout

The parking standard requires parking bays to be 5.5m x 2.9m. A smaller size bay can be used in the exceptional circumstances with approval of the LPA. It appears the extra bays Sainsbury have added are or of the same size as the existing B&Q bays which are no greater than 5m x 2.4m.

The car park layout only provides 548 spaces if the bays are less than the preferred size. If new bays are provided at the bigger new standard then the car parking will be nearly 30% below standard.

Pick up and drop off at the Lightship Way entrance

There is great potential that some customers will try and choose to pick up and drop off at the gap in the wall in Lightship Way (Quayside Drive). At peak times this could exacerbate the traffic problems in Lightship way.

Car Park Monitoring and Funding Proposal

The car parking should be monitored and if delays due to car parking are unacceptable then Sainsbury should be required to fund measures to ensure that the bus operation is not impacted on. This could include bus priority in Lightship Way, providing stops on Colne Causeway and suitable crossing points of this road and walking route to the store and enforcing pick up and drop off in Lightship Way

This monitoring approach has been included as part of S106 agreement obligations for Sainsbury stores in Hertford and Ely. (Para 15, Appendix E Development Trip Calculations).

In Hertford the legal agreement Sainsbury approved included a trigger point to release up to £250,000 if car parking was greater than expected and the funding was directed to Sustainable Transport Measures.

Conclusion

Not notwithstanding that the overall location is accessible based on A1 (retail) there appears to be a significant under provision in car parking. Approval will be needed for parking bays below the preferred adopted standard. It is not evidenced how the travel plan will be successful in delivering 25% reduction car parking, especially as the design and layout as originally submitted is not consistent with providing and promoting sustainable transport. The Travel Plan is very weak on its targets for customers. The car park accumulation data is linked to the traffic forecasting, over which there are concerns and further justification is required.

Overall Conclusion

The store is in a sustainable location and the traffic assessment uses local demographic information making a strong case for sustainable travel but proposed design and provision for those walking, cycling and by bus compromises this sustainability.

The low level of car parking provided is a major concern and the potential impact on sustainable travel. The size of the parking bays needs approval from the Local Planning Authority. The accumulation data needs to be revisited especially as the traffic forecasting has been challenged.

The Travel Plan is comprehensive but needs funding and targets for customers need to be established, especially as the car park is below standard.

Essex County has requested further information on traffic forecasting and its impact. Depending on the results of further testing and if these unknown impacts can be addressed then through modification to the design or by contribution sustainable access to the store can be improved and the application brought into line with policy. Some of the changes required are related the design of the site and others relating to the surrounding network to improve sustainable transport connectivity of the store to the local community.

8.6 **Essex County Council in their role as Highway Authority:** Comments that from a highway and transportation perspective the impact of the proposal is acceptable to the highway authority subject to:

- An agreement with the highway authority under the Highways Act 1980 to regulate construction of the requisite highway works in mitigation of the impact of trip generation on the highway network;
- 'Grampian-style' conditions requiring works to be undertaken to improve the highway prior to the commencement of development. These works include:
 - a) A minimum 3 metre wide pedestrian/cycle link between the south west corner of the proposal site and the food store building
 - b) A minimum 3 metre wide pedestrian/cycle link between the existing main pedestrian access off Lightship Way and the food store building
 - c) A minimum 3 metre wide pedestrian/cycle link between the end of Lightship Way and the food store building
- The pedestrian crossing central island on the A134 Colne Causeway, immediately south of Greenstead Roundabout, either narrowed and/or relocated to widen the two northbound running lanes at the crossing
- A condition requiring: . No occupation of the development shall take place until the following have been provided or completed:
 - a) A capacity enhancement at Greenstead Roundabout as shown in principle on planning application drawing number 120729A/SK/05 Rev E
 - b) An extension of the A134 Colne Causeway shared footway/cycleway to the end of highway into Lightship Way
 - c) For a minimum period of 3 years bus service number 61 extended on a 30 minute frequency from its current finish time at approximately 19:30/20:00 hours to approximately 23:00 hours Monday to Saturday (and/or to coincide with the food store opening hours)
 - d) A new bus stop (to current Essex County Council specification) within the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
 - e) A travel plan to include but shall not be limited to a travel plan coordinator and £3,000 contribution to cover Essex County Council's costs to approve, review and monitor the Travel Plan

Officer comment: The suggested conditions have been incorporated into the draft decision set out at the end of this report.

8.7 **Economic Growth Manager:** comments

“From a regeneration and economic growth perspective the Council are seeking a scheme in the Vineyard Gate area which provides for a mix of retail, possibly with some leisure uses to ensure the town centre continues to grow in a sustainable way and supports the expansion of its visitor and tourism economy. We do not consider from an economic growth and regeneration perspective that a single supermarket use in this area would deliver these aims.

Furthermore we have concerns about the amount of comparison goods within schemes being developed outside the town centre and would like this to be taken into account in your discussions.”

Officer Comment: The Council has sought independent scrutiny of the retail impact of the proposals (especially comparison goods) upon the town centre and planned investments and this aspect is specifically addressed in the report below.

8.8 **Landscape Planning Officer:** Does not object to the landscape elements of the proposals but identifies elements that require amendment in his opinion. Conditions are suggested in the event that the application is recommended for approval. Officer comment: The suggested conditions have been incorporated into the draft decision set out at the end of this report.

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 N/A

10.0 Representations

10.1 Three representations have been received from individuals objecting to the proposals. The following points are raised:

- No need for more supermarkets;
- No viable mitigation proposals to address traffic impacts proposed;
- Area already suffers from congestion;
- Must ensure Sainsbury’s contribute to sustainable transport improvements for the area;
- Increased litter, disturbance and parking within a residential area;
- Deliveries will detract from amenities of the neighbourhood;
- Deliveries to B & Q store are already disruptive.

10.2 A single representation in support has been received. The following points are raised:

- it will serve the community hugely

10.3 **Sir Bob Russell** on behalf of a local resident queried what action is being taken to improve cycle and pedestrian access and links to the site. The provision of cycle parking is also queried.

10.4 **Colchester Cycling Campaign** (CCC) objects to the development on the grounds that it represents unsustainable development with increased car dependency and decreased attractiveness for walking and cycling with decreased air quality. The CCC asserts that Sainsbury's is not improving cycling or walking infrastructure. The group queries the number of jobs created (450) and questions the full time equivalent number of jobs. The CCC supports the objections submitted by the Bus Users Group. The following objections are raised:

- excessive traffic generation and congestion would result;
- encourage greater car dependency;
- queries actual job creation.

If the Council are minded to approve requests that:

- A £4m contribution towards sustainable transport in Colchester is sought with emphasis on provision of infrastructure to support cyclists and pedestrians;
- Modification of the railway pedestrian bridge to make cycleable;
- Funding secured for air quality case study of particulates in East Colchester to assess impact of the store;
- Preclude creation of mezzanine floor or out of town retail centre;
- Restrict numbers of shoppers arriving by car.

10.5 **Colchester Bus Users Group** Secretary comments that the existing bus services are very limited (No.61) and there is not a bus stop in close proximity to the store. The group concludes that pedestrians would be forced to use an unpleasant car dominated environment. The resultant congestion would harm the punctuality of the bus services.

10.6 **Martin Robeson** consultants on behalf of Tesco plc has submitted 5 detailed representations in response to the cascade of retail evidence submitted by Indigo on behalf of Sainsbury's and the independent reviews produced by NLP on behalf of the Council. Martin Robeson has helpfully submitted the following as a summary of the issues raised:

"Retail Assessment"

The turnover of the Greenstead Road UDC has been vastly overstated. The Council's 2009 Study accurately identified it as trading at £20.8m pa (applying 2011 prices). Yet the 2014 Assessment says it trades at £42.62m pa. As a direct result trade diversion is said to be 28.1%, rather than a more realistic 57.6%. The impact on the Greenstead Road UDC has thus been vastly understated. By basing its assumptions on the as yet unexamined 2013 CTRS, the Council's consultant fundamentally underestimates the impact on the UDC.

Impact on Greenstead Road Urban District Centre

The Council's consultant accepts that a 28.1% diversion of trade will cause a "*significant level of trade diversion*" but suggests that this does not constitute a "*significant adverse impact*" which is the threshold requiring refusal. But the correct diversion of 57.6% (see 1 above) must as a consequence cause a "*significant adverse*

impact" requiring refusal of permission by virtue of the Framework's Paragraph 27. A lack of closure of the store (as asserted by the Council's and the applicant's consultants) is not the correct test here. Such an effect would, in any case, be well beyond a significant adverse impact. It would be fatal.

Sequential Test

The Framework confirms that planning permission should not be granted until the sequential test is met. The Cowdray Centre has not been adequately assessed by the applicant's retail consultant and cannot therefore be discounted. The Council's consultant agrees. Planning permission should therefore be refused.

Loss of Choice and Competition in the DIY Sector

The loss of a significant part of an important retail sector to the town without any confirmation as to relocation substantially reduces choice and competition to the public (which planning policy is charged with fostering).

Loss of Designated Employment land

The site is designated as part of an Employment Zone. Reinstating the site for such purposes is an important policy consideration, especially as employment land may need to be released elsewhere in the future to accommodate a replacement B&Q. This matter has not been satisfactorily addressed."

Officer comment: These issues are explored in the report below.

- 10.7 **Councillor Julie Young:** Supports the views expressed by the Colchester Bus Users Group (CBUG) and comments that "Greenstead has low car ownership and that improving transport access is therefore key...Access to supermarket choice is key to health outcomes...The new supermarket would be inaccessible by bus from Greenstead for shoppers and staff." The CBUG has commented via Cllr Julie Young that an additional daytime bus route is needed which must include Greenstead. Councillor Young also comments about the need to improve cycling links and concludes that "just extending already poor bus access is not acceptable."
- 10.8 **First Plan on behalf of Waitrose Ltd** submit the following objections: "Urge the Council to refuse on the grounds that it fails to meet the requirements of the sequential test as set out in the NPPF and the adopted Core Strategy." Reference is made to the Cowdray Centre and Vineyard Gate which in their opinion have not been discounted as unavailable or unviable.

Officer comment: The sequential test is considered in the report below and concludes that neither site is available for a store as proposed.

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

11.0 Parking Provision

11.1 The proposal provides 548 spaces. The adopted parking standard is a maximum standard and the scheme provides for 75% of this standard. The relevant local plan policy DP19 encourages a relaxation of this standard where sites are sustainably located.

12.0 Open Space Provisions

12.1 The site is for retail use and attracts no requirement for open space provision.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area but the associated vehicular movements beyond those generated by the existing restricted retail use as a DIY store could impact upon air quality. The Environmental Protection Manager suggested an Air Quality Impact Assessment report is justified. However officers believe this would be unreasonable given the lateness of this request and the existing retail use of the site. In officer's opinion the imposition of a condition requiring a programme of air quality monitoring and mitigation to be undertaken could be vulnerable to challenge on appeal on grounds of unreasonableness given the existing retail use of the site.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team (DT). The application was considered on the 14 January 2016 when it was agreed that a package of contributions/obligations would be sought to mitigate the impact of the development. These are set out below together with the applicant's response to each request in italics immediately following. Members are reminded of the relevant tests that must be applied. These are statutory and set out in The Community Infrastructure Levy Regulations 2010 (as amended) and at paragraph 204 of the NPPF.

"Paragraph 204. States: 204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

14.2 The following list sets out the requests for contributions/obligations made together with the applicant's response. These are grouped under a heading denoting the originator of the request.

Transportation Policy CBC:

- Create a shared walking and cycling entrance in the south west corner of the site from the existing Colne Causeway/Lightship Way junction path and provide a safe walking/cycling route to the store entrance by design. Enter into a legal agreement with ECC to provide the short link on Highway (20m). Estimated cost £10,000;

Applicant's response: *Sainsbury's will agree to provide this. We request that this be secured by condition.*

- Contribute to the creation of a shared use bridge across the River Colne link both side of the Colne Harbour reducing the barrier to movement and access to the store – contribution sought £250,000;

Applicant's response: *We would be grateful if you could confirm how this figure has been calculated. We cannot see how this contribution is necessary to justify the development. The County have already provided their recommendations and did not recommend this be provided. They clearly do not see this as being necessary to justify the development and nor do we. This proposed swing bridge would only benefit a very small proportion of people living to the extreme south of the store. When we spoke about this yesterday, you advised that it was necessary because of the anticipated modal split of customers coming to the store. The County Council did not accept this modal split argument which is why Vectos had to use a higher vehicle trip generation than they originally set out in their Transport Assessment in order to satisfy the County. It is the use of that higher vehicle trip generation in the vehicle modelling work that has led to the package of highway works at the Greenstead roundabout which amounts to approximately £700K (plus utilities diversion) which is not an insubstantial amount.*

We cannot agree to the £250K contribution on the basis that it is not Regulation 122 compliant. To do so would make the consent challengeable.

- Upgrade the existing bridge to allow cycling to the store from the University over the railway – contribution sought £100,000;

Applicant's response: *We cannot see how this contribution is necessary to justify the development. Again, the County have already provided their recommendations and did not recommend this be provided. They clearly do not see this as being necessary to justify the development and nor do we. The point made above regarding the modal split argument is also of relevance here. We cannot agree to this contribution on the basis that it is not Regulation 122 compliant. To do so would make the consent challengeable.*

- Improving security – develop a lighting scheme to illuminate Lightship Way to improve personal security for those walking. This could be achieved through lighting provided on-site throwing light onto Lightship Way;

Applicant's response: Sainsbury's will agree to develop a lighting scheme to illuminate Lightship Way during store opening hours only. *We suggest that this be secured by a condition rather than an obligation such as the following:*

Prior to the occupation of the development hereby approved a car park lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The car park lighting on the Lightship Way boundary of the site will be designed such that light spills onto Lightship Way while the store is open to the public.

- Public Transport Real time information – provide real time information panel in store.

Applicant's response: *Sainsbury's will agree to provide a real time information panel in store but we request that this be secured via a planning condition rather than through a s106 obligation.*

ECC Highways:

Sum requested: With exception of £3,000 Travel Plan monitoring fee, £0 - developer to deliver directly either as part of the site or a s278 agreement.

Project: S278 agreement for a capacity enhancement at Greenstead Roundabout and extension of the A134 Colne Causeway shared footway/cycleway to end of highway into Lightship Way.

Applicant's response: *Agreed*

Contribution direct from applicant to First Bus for existing route 61, which operates on Lightship Way to be extended on a 30 minute frequency from its current finish at around 19:30/20:00 to around 23:00 Monday to Saturday to coincide with store opening hours. Sunday services already cover anticipated opening hours. This would cost between £120 and £165 per day giving a total annual cost of £37,560 - £51,645. This funding should be provided for 3 years.

Applicants response: *As the development is for a foodstore, the patronage will be in place from the day of opening unlike for example a residential development where occupation of the development would be gradual and phased and it would take time for the altered bus service to become established. As such, Sainsbury's will agree to provide this contribution for the first year only. This will be sufficient time to establish the amended bus service and for it to become self-sustaining.*

Applicant to also provide a new bus stop within the proposal site (eastbound Lightship Way) (subject to agreement with First) and a Travel Plan, Travel Plan Co-ordinator and £3,000 to the Highway Authority (Travel Plan fee). Sainsbury's will agree to providing a bus stop sign within the site, a Travel Plan, Travel Plan coordinator and £3,000 to the Highway Authority for the Travel Plan fee.

Applicants response: *Sainsbury's will not provide a bus shelter on the basis that real time information will be available in store where people can wait until just before the bus arrives. A bus shelter would therefore be unnecessary. There is a boundary wall which would prevent bus users from seeing the bus in any case if a shelter was provided. We request that this bus stop be secured by condition.*

Economic Development:

No funding requested but the Store operator is requested through the s106 process to work with the Council and key partners, including Job Centre Plus, to channel a percentage of final job (26%) to the partnership and to work with it to advise on and assist delivery of a pre-recruitment training initiative culminating in guaranteed job interviews for course completers. The proposal is to replicate the successful Sainsbury Tollgate initiative in 2010 which achieved 171 unemployed people into work out of a total of 180 additional permanent jobs (95%), equivalent to 26% of the final Store jobs. These recruits were either re-entering or new to the job market (i.e. didn't leave another job to commence employment with Sainsbury's). This developed a new model of placing unemployed people into work using the planning process and strengthened partnership working between the employer and the employability partners. The intention is to work with employer to achieve a similar percentage of final jobs secured by JSA claimants who have met and passed the requirements of a guaranteed job interview after pre-training; equivalent to 86 jobs out of the 450 available, or 1 in 4 of

the JSA count total in the three MSOAs. (This will allow for potential transfers in of existing Sainsbury's personnel and those currently working for B & Q as well as Sainsbury's own direct recruitment processes).

Applicants response: *Sainsbury's are pleased that the Sainsbury's Tollgate initiative worked so well, however they will not agree to a percentage amount that they must work to. Sainsbury's will agree to the wording applied to the Sainsbury's Tollgate scheme as follows:*

1. *Sainsbury's will use all reasonable endeavours to carry out the operation of the Development in accordance with the provisions of the Training Plan*
2. *The operator of the New Store will advertise any additional jobs created at the New Store and any subsequent store vacancies at the local branch of Job Centre Plus.*
3. *The operator of the New Store will enter into genuine dialogue with the Council to develop an arrangement whereby the Local Employment Partnership (consisting at its core of:- the operator of the New Store and the support partners- Colchester Borough Council, Jobcentre Plus and the FE college (Colchester Institute)) - will work together to provide a pre-employment training and support initiative targeted at providing a qualified and suitable stream of applicants for new jobs created at the New Store and any subsequent store vacancies.*
4. *The Local Employment Partnership will work to create and deliver an 8-12 week package of training and skilling in key entry level areas to a designated number of local jobseekers who will be recruited via Jobcentre Plus and pre-selected by them as having the interest and aptitude to meet any standard recruitment screening process of the operator of the New Store. The training package will include the following elements:*
 - Assistance with targeted course planning;
 - Facilitating store visits/work experience;
 - Promoting the operator of the New Stores way of doing things while demonstrably taking an interest in participant progress;
 - Guaranteeing to interview all those "passing" the course and completing the formal application; and
 - Celebrating publicly the achievement of any course completers accepted by the operator of the New Store as new employees and to commit to working with the Local Employment Partnership partners, as appropriate, to maintain or enhance their skill achievement while in work.

£60,000 - Reduction of crime and disorder within the immediate area of the development at CO2 8FR through the installation of two pole-mounted wireless cameras located on the north-western and south-eastern footways around the curtilage.

Applicant's response: *The proposal essentially seeks to replace a shop with a shop. This contribution is not necessary and cannot be justified. As such, Sainsbury's cannot agree to it.*

Conclusion

14.3 As members will note from the list of requests set out in the preceding paragraph, whilst the applicants have acceded to provide highway improvements directly under the Highways Act to address network capacity issues identified after protracted modelling; the requests made to support improved pedestrian and cycle accessibility have in many cases been rejected. The financial support to be provided for improved bus services will extend for a period of one year only. Whilst it is accepted that the request for a financial contribution towards the cost of a pedestrian cycle crossing over the Colne at King Edward Quay is perhaps aspirational; there are basic requests such as the provision of an on-site bus shelter, CCTV to improve pedestrian safety and the upgrading of the adjacent rail footbridge to improve use by cyclists that could encourage pedestrian and cycle trips and increase use of sustainable modes of transport. Members will wish to consider whether they are in agreement with the proposed solution suggested by the applicants or whether they wish officers to negotiate further to secure further contributions initially rejected by the applicants.

15.0 Report

15.1 The key issues to be considered are listed below and are considered thematically in the report

- *Sequential test*
- *Retail Impact upon centres*
- *Impacts on Transport Network and mitigation*
- *Connectivity issues and encouraging modal shift*
- *Amenity and impact upon locality*

15.2 Retail planning considerations

15.3 Chronology of reports analysing retail impact and sequential considerations
The submitted application was accompanied by a Planning and Retail Statement dated March 2014 (Indigo Planning Limited). A series of reports analysing the retail considerations pertinent to the case were then submitted. These were prepared having regard to the detailed issues successively raised by planning consultants instructed by Tesco (Martin Robeson). A summary of these representations is provided by Martin Robeson at paragraph 10.5 above. The methodology for the initial retail report had been previously agreed by the Council with the applicants on the advice of the Council's retail consultants (NLP). The submitted report provides coverage of the following issues: Planning Policy Context; Sequential Test and Impact Assessment (planned and committed investment, town centre and trade diversion, convenience and comparison impact). The report was first reviewed by consultants Nathaniel Lichfield Planning (NLP) on behalf of the Council in May 2014 (Retail Critique 21 May 2014). Indigo Planning then produced a response to this report dated 12 June 2014. A further Addendum Report was produced by NLP for the Council in July 2014 (Retail Critique Addendum 2 July 2014). Indigo Planning submitted a response to this Addendum Report dated 18 August 2014. NLP then produced a Final Report for the Council concerning Retail Impact in November 2014 (27 November

2014). This report reviews all of the submitted evidence and draws conclusions having regard to national and local policy and relevant guidance. On behalf of the applicants, Indigo Planning produced a final response dated 16 December 2014 to the final retail Impact report produced by NLP (27.11.14). The final reports/ rebuttal statements submitted by Indigo Planning on behalf of the applicants and the final NLP report are reproduced at **Appendix A** to this report.

- 15.4 The policy considerations against which the retail impact related issues pertinent to the application should be assessed are set out in the NPPF at paragraphs 24, 26 and 27 (set out at paragraph 7.2) with further interpretation of these policies provided by the National Practice Guidance (NPG) under the heading "Ensuring the vitality of town centres" (refer to paragraphs 001-6 and 008-016). The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions as in this case.
- 15.5 The adopted local plan provides further policy context against which the proposals must be assessed within policies CE1, CE2a, CE2b and CE3. These policies establish a hierarchy of centres to "coordinate the use and scale of developments" and that "development will need to be consistent with the hierarchy and larger scale development should be focused on the Town centre." The site falls within the East Colchester Regeneration Area (policy UR1) which states that "new development in these areas will be encouraged within walking distance of centres and transit corridors". The application site is currently designated as an Employment Zone (policy CE3) and this policy states that "Retail developments will not normally be supported". However, in this instance the site is already in a restricted retail use within an existing large premises and the proposed relaxation of this restriction would result in an increase in the number of employees (to c.460). In these circumstances, it is not considered reasonable to seek a return to a less commercially desirable employment use within class B of the use classes order. There is also considered to be little prospect of a return to employment uses in the event that B & Q vacate the premises. This site has effectively been lost to employment uses.

The Sequential Test

- 15.6 The NPG advises that the sequential test should be considered before the impact test (see below) as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test then determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).
- 15.7 However, the NPG acknowledges that it may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. The NPG advises that this should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the

vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 26 of the National Planning Policy Framework.

15.8 The NPG explains that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. The NPG confirms that the framework supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

15.9 The hierarchy of centres and sequential approach is set out in the Core Strategy (Policies CE1 and CE2). Colchester town centre is at the top of the hierarchy, followed by three rural district centres and five urban district centres and then local centres. Policy CE2a indicates that the sequential priority for retail is the Town Centre Core, followed by Urban Gateways and the Town Centre Fringe. These policies were based on National Policy within PPS6. The policy approach regarding the definition of the hierarchy of centres and the application of the sequential approach remains largely unchanged within the NPPF. Policies CE1 and CE2 remain up-to-date on this point. In terms of the sequential test, the initial retail report submitted on behalf of the applicants acknowledged that a store could be physically accommodated at either the Vineyard Gate or Cowdray Centre sites. NLP confirmed that both sites needed to be considered as sequentially preferable to the application site. The Vineyard Gate site was rejected by the applicants primarily on the grounds that it was unavailable but could provide a solution to a replacement of their existing town centre store (Priory Walk) in due course. In the case of Vineyard Gate, the Council as landowner has commented that a foodstore of this size would not be compatible with the strategic vision for the site (see comments of the Economic Growth Manager at 8.7 above). It therefore seems reasonable to conclude that Vineyard Gate is not available for the purposes of this assessment.

15.10 The Cowdray Centre site was also rejected by the applicants on the grounds that a wholly retail solution would not conform with the mixed use solution intended by policy (para.5.33 of the Site Allocations DPD) and moreover that the site was unavailable at the current time as it did not have the benefit of planning permission and the delivery time required for a project of this type would effectively render it unavailable. Regarding this issue in their final report, NLP comment “Recent legal/Secretary of State decisions suggest these sites would need to be brought forward quickly to match Sainsbury’s programme to deliver a store by 2017 on the application site. If this timetable is considered feasible, then the Council should liaise with the developer(s) to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use.” NLP conclude that “More information is required regarding the suitability and likely timetable for delivery at the Cowdray Centre”. The applicants response to this report in December 2014 was to reiterate that their proposal was at odds with the policy framework (Policy SA TC1 that seeks a mixed use rather than a retail solution. Furthermore, the applicants submit that the site is effectively unavailable since “The lack of any interest in developing this site for food retailing purposes and the improbability of achieving a scheme on this site which could accommodate the proposed floorspace within the next 12 months should be sufficient to exclude the site on the basis of availability. The Council should not delay other new development schemes on this basis. This approach conflicts entirely with the

precedents set out in recent appeal decisions including the Dundee and Rushden Lakes decisions referenced in our earlier submissions.” The recent planning application for a predominantly residential development (undetermined) also reinforces this view, namely that the Cowdray Centre is effectively unavailable as an alternative site.

15.11 Whilst the Cowdray Centre is a more sequentially preferable location being an edge of town centre location, it is accepted that the delivery of a consent for a large format store could be problematic in terms of the timescale to deliver such a project from scratch through the development process. NLP identify the fact that recent case law has defined the preconditions that must be satisfied in order for a site to be considered available. This includes the timescale for deliverability of the project sought on alternative sites. In this case, whilst the Cowdray Centre is technically available this does not necessarily equate to availability in the terms of the Sequential Test. In this case, timing associated with project development and delivery could be reasonably held to exclude the site as being available in the immediate term in line with the applicant’s 2017 timeline but rather available in the medium term.

15.12 In December 2015, the applicants provided a further update on this issue in the light of the current outline application on the site of the former Ozalid print works for a predominantly residential development. It is considered that this application reinforces the view that the Cowdray Centre is not available for a retail scheme of this scale (notwithstanding the highway capacity objections that this would be likely to generate). On this basis, as there are no sequentially preferable locations identified that are available, the application site could be judged to pass the sequential test and falls to be considered in terms of the Impact test. However the NPG confirms “Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.”

The Retail Impact Test

15.13 Paragraph 26 of the NPPF requires that out of centre retail proposals exceeding 2,500 sqm are assessed against the following criteria:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area up to five years from the time the application is made.

15.14 The NPG confirms that the purpose of the test is to ensure that the impact over time (up to five years (ten for major schemes)) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. The NPG states that as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most

comparable competitive facilities. Conditions may also be attached to appropriately control the impact of a particular use. The NPG advises that “A judgement as to whether the likely adverse impacts are *significant* can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.”

15.15 The applicant's impact analysis (March 2014) suggests that the impact on planned investment, town centre vitality and viability would not be significant. However it is acknowledged that in terms of impact on the town centre cumulative convenience impact at 2017 would be -6.0%. The cumulative convenience impact on Tesco Greenstead Road was stated to be 34.7% at 2019 with a high level of impact. The Tesco Greenstead Road is allocated as an Urban District Centre in the retail hierarchy (although this is somewhat anomalous as the site is in effect a standalone store as opposed to a centre *per se*). The report concludes that diversion of comparison trade from the town centre would have a minor impact of 0.3% in 2017.

15.16 The review of impact carried out by NLP as part of their concluding report took into account the representations raised on behalf of Tesco by Martin Robeson consultants and the previous responses of Indigo Planning (IPL) on behalf of the applicants. Nothing within the submissions made by MRPP or IPL was considered by NLP to warrant changes to their methodology or key assumptions.

15.17 NLP's retail impact assessment concludes that the proportional impact on food stores in Colchester ranges from -6% to -28%. The highest impact (-28%) will again fall on the Tesco store on Greenstead Road. NLP predict higher trade diversion from food stores in Colchester town centre than IPL, whilst ILP predicts higher trade diversion from Sainsbury's in Stanway. The average impact on convenience goods facilities in Colchester town centre is -9.7%. Impact on the Priory Walk Sainsbury's store is expected to be higher than this average (-13.4%), whilst impact on other convenience facilities is lower (-6.0%). This -6% impact will primarily be focused on the Marks & Spencer, Iceland and Tesco Express stores within the town centre. However, the report concludes that is no evidence to suggest the Sainsbury's store will be forced to close and moreover that it is unlikely this reduction in convenience goods trade will lead to shop closures within the town centre.

15.18 In terms of comparison goods (non-food retail), the report concludes that projections suggest the comparison turnover of existing facilities within Colchester is estimated to decrease by -3.9% in 2017. However comparison good trade diversion will be offset by expenditure growth between 2014 and 2017, and would still leave sufficient expenditure growth to allow a 2% growth in turnover. The report also concludes that in “the short term the Sainsbury proposal is unlikely to lead to a decrease in the number of comparison shops within the town centre or delay or prevent the implementation of the Williams and Griffin department store improvements. However there will be less theoretical comparison goods expenditure capacity to support the reoccupation of vacant shop units within the town centre.”

15.19 The NLP concluding report reviews the impact on the Tesco store at Greenstead Urban District Centre and concludes that “If the Sainsbury's store is implemented along with commitments then the Convenience turnover of the Tesco store will decrease from £44.79 million to 32.22 million in 2017, a cumulative impact of -28.1%.” The report specifically addresses the claim made by Martin Robeson (MRPP) on

behalf of Tesco that this equates to a “significant trade diversion” and that this translates to a “*significant adverse impact*” as set out in the NPPF. MRPP’s claim (letter dated 12th September 2014 – see paragraph 10.5 above) that NLP has “*identified that impact on Greenstead Road UDC will be significant*” is inaccurate in the opinion of NLP. NLP consider that the reduction in Tesco’s turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods. NLP conclude that there is no significant adverse impact on Greenstead Road urban district centre. This is clearly disputed by Martin Robeson on behalf of Tesco plc.

15.20 In terms of the impact test required by the framework (paragraph 26 NPPF), it is concluded on the basis of extensive independent critical analysis and scrutiny by NLP on behalf of the Council, that the impact of the scheme would not be ‘*significant adverse*’. On this basis the NPG advises that “Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development.” The Planning Policy Manager has also provided a detailed review of relevant policies and analysis in her representation at paragraph 8.4 above. The Policy Manager concludes in the light of the policy considerations and detailed evidence submitted that there are insufficient grounds to warrant refusal of the scheme on the basis of either the sequential test or adverse impact on other Colchester retail centres.

Loss of retail choice in DIY sector in Colchester

15.21 MRPP also suggests the implications of loss of choice and competition in the DIY sector (i.e. B&Q) needs to be taken into account in this decision. This may be a material consideration when weighing up the benefits and disbenefits of the proposals. However if B&Q has taken a business decision to change their representation within Colchester then the closure of this store is not necessarily linked to the Sainsbury’s planning application. Furthermore, the ‘Screw-Fix’ outlet on the Whitehall Industrial Estate nearby is part of the same retail group and offers an extensive range of DIY products in a different retail format. On this basis, it is not suggested that the closure of the existing DIY store could in itself form a reason for refusal as this is a commercial decision for B& Q as part of their national restructuring of their business.

Impacts on Transport Network and mitigation

15.22 Paragraph 24 of the NPPF states that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.” In this case, the site is in an accessible location well served by the transport network. Highway capacity modelling has confirmed that there are potential capacity issues at peak periods associated with the Greenstead roundabout. This is a well-known hot spot for congestion.. The Highway Authority has negotiated a package of highway improvements including modifications to the existing roundabout to increase flow. They do not object to the scheme and have suggested conditions in mitigation and these have been agreed by the applicants.

15.23 Paragraph 32 of the NPPF states that: “32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” (emphasis added). In this case, the impacts do not fall within the ‘severe’ category and the highway authority has concluded on the basis of extensive interactive modelling that the impact of the proposal is acceptable. On this basis, members are advised that there are no grounds for refusal based on the impact of the development on the highway network and the potential for congestion.

Connectivity issues and encouraging modal shift

15.24 The site is generally located in a sustainable location in close proximity to centres of population and well-served by distributor roads in accordance with paragraph 24 of the NPPF above. . Nevertheless, concerns have been raised by the Transportation Policy Manager (see paragraph 8.5 above) that in detail the scheme does not adequately seek to promote sustainable modes of transport including walking and cycling and is poorly connected to public transport (No.61 bus stop on Lightship Way). This view is reflected in the representations made by the Colchester Cycle Campaign and the Colchester Bus Users Group. Councillor Julie Young has echoed these concerns and requested that efforts are made to improve the accessibility of the site for pedestrians, cyclists and those dependant on public transport (including staff). These concerns reflect Government policy set out at paragraph 35 of the NPPF that states:“35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.”

15.25 To that end, officers have sought to encourage the applicants to support efforts to improve safety and connectivity for pedestrians/cyclists and to give financial support for improving the bus service for a period of up to three years. Members will note the responses received to requests made by the corporate Development Team (DT) (see paragraphs 14.2-14.3 above). In the opinion of officers, it is considered important that the applicants provide for an on-site bus shelter on the frontage to Lightship Way together with CCTV (given that Lightship Way is unadopted and unlit) and a financial contribution towards upgrading the existing pedestrian bridge over the rail line at the east end of Lightship Way (which is not cycle friendly and forms part of a key route through the campus to Wivenhoe). It is thought that in the circumstances these elements of infrastructure are fully justified.

15.26 Regarding the promotion of sustainable transport paragraph 29 of the NPPF states: “29.... the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.”. In the opinion of officers, it is common for public transport nodes to have a waiting room with information and then a sheltered waiting area next to the stop – for example this is dual facility is provided at Osborne Street. This is considered especially important for the elderly or those with young children carrying multiple bags of shopping across the car park area. These vulnerable groups would be reasonably expected to require a longer lead time in the open waiting for the arrival of buses as they are inherently less mobile. The NPPF requires safe and suitable access for all people. The lack of a covered waiting area would in your officer's opinion discourage bus usage under this scenario. This approach conforms with the IHT Guidelines for Planning for Public Transport in Developments that states - "... the bus stops or stops need to be as close as possible to the building that are the final destinations for passengers. Ideally, the walking distance from the bus stop should be less than from the car park". The guidance suggests layouts for stores to bring the bus stop close to the entrance. The provision of a bus shelter would thus make the use of public transport more attractive and encourage choice in conformity with the NPPF. The requests made by DT are intended to improve sustainable transport. This is in accordance with Core Strategy policy TA1 Accessibility and Travel Change Behaviour – that states: “Sustainable transport will be improved to provide better connections between the community and their needs. In congested areas, the Council will seek to prioritise movement of sustainable transport.”

15.27 In the opinion of officers, the proposal goes part of the way to provide for sustainable transport e.g. cycle parking, extension of the cycle path into Lightship Way, walking and cycle route across the car park, extension of the bus service for one year, agreement with ECC to modify Greenstead Roundabout. However, there appears to be a lack of detailed appreciation of the needs of users (including employees working early/late shifts) of sustainable transport to make the user to feel safe. It is for this reason that the provision of CCTV is seen as fully justified. The applicant's reliance upon the existing DIY store as a justification for non-provision of contributions towards mitigation fails to acknowledge the material difference between the restricted retail use that exists currently and the proposed unrestricted supermarket use that will attract quite different users and more pedestrian/cyclist customers than is normally the case with bulky DIY goods. It is for these sound reasons that member may wish officers to negotiate further contributions/obligations to deliver these elements of supporting infrastructure that members may see as essential.

Amenity and impact upon locality

15.28 The site is located in an area with many residential properties including student accommodation close by. The existing restricted retail use of the site is a material consideration. Nevertheless, the proposed unrestricted use will in your officers opinion result in a material intensification and the concerns expressed by existing residents (see paragraph 10.1 above) are noted and for this reason a series of conditions are proposed below that should ensure that existing amenities are not compromised by the proposals. These include those suggested by Environmental Protection and draw upon experience of a similar Sainsbury's store at Tollgate.

16.0 Conclusion

- 16.1 In the opinion of officers, the proposed development is acceptable insofar as the retail impacts on the scheme fall within acceptable limits based on the expert opinion of the Council's consultants NLP and a series of reports have responded in detail to the issues raised by objectors on retail grounds. In particular, the issues raised by MRPP including the magnitude of the adverse impact on the Tescos store at Greenstead which although resulting in a significant diversion of trade is not considered to justify a refusal of consent as this would not lead to the closure of the store. Whilst the Council's adopted policies aim to protect Urban District Centres from harmful impacts, in this case the centre at Greenstead is in reality a single store and national and local policy is not intended to stifle competition and choice in the interests of consumer's.
- 16.2 The impacts of the proposals on the highway network have been subject to protracted and detailed modelling of flows and capacity over the last year. The highway authority supported by their consultants, Ringway Jacobs, have concluded that subject to the mitigation set out above in the report that the impact would be within acceptable limits and that there are no highways related grounds for refusal subject to delivery of the mitigation agreed.
- 16.3 The low car ownership statistics for wards surrounding the proposed store does provide justification for the view that a relatively high percentage of shoppers will arrive on foot or cycle or use public transport. Whilst the applicants have agreed to fund improvements in the bus service for a period of one year, officers have remaining concerns around accessibility given the busy road network serving the site and in the absence of a segregated footway/cycle way. The unadopted nature of Lightship Way compounds these concerns with no operational street lighting, CCTV or bus shelters close to the site. Furthermore, the existing pedestrian bridge over the rail line is currently unsuited to cyclists and this key linkage to the north and east (Wivenhoe) via the University campus is therefore inaccessible for cyclists. It is for this reason that Officers are seeking agreement in the recommendation for delegated authority to seek at the minimum i) an on-site bus shelter with real-time information ii) CCTV to improve pedestrian safety iii) a material financial contribution towards upgrading the rail foot bridge for cyclist use in accordance with the recommendations of Development Team.

17.0 Recommendation

- 17.1. That Officers be instructed by committee to seek a further package of contributions in mitigation of the impacts of the scheme and to improve accessibility for pedestrians and cyclists in accordance with paragraph 16.3 above, and in the event that the applicants are uncooperative within a two month period thereafter, to report the application back for committees further consideration. If the package is agreed then;

17.2 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Financial contributions towards: provision of enhanced bus service (£50K); upgrading of pedestrian bridge over rail line to facilitate use by cyclists (£100K), provision of CCTV to enhance pedestrian/cyclist safety for shoppers (£66K); implementation of recruitment and training initiative to improve opportunities for the local unemployed.

17.3 On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of two 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 - Non-Standard Condition/Reason

No development shall commence until a schedule of external facing and roofing materials and finishes to be used in connection with the new/reconfigured elements of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with approved details.

Reason: To ensure the use of contextually suitable high quality materials in view of the townscape prominence of this site within a regeneration area.

3 - Non-Standard Condition/Reason

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate: Existing and proposed finished contours and levels. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, CCTV etc. indicating lines, manholes, supports etc.). Planting plans. Written specifications (including cultivation and other operations associated with plant establishment). Schedules of plants, noting species, plant size and proposed numbers/densities. Planting area protection or decompaction proposals. Implementation timetables.

Reason: To ensure the use of an appropriate choice of materials and suitable hard and soft landscaping having regard to the importance of this scheme in the townscape.

4 - Non-Standard Condition/Reason

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

5 - Non-Standard Condition/Reason

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the commencement of trading of the development hereby permitted.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

6 - Non-Standard Condition/Reason

All existing trees and shrubs shall be retained, unless shown to be removed on the approved drawings. All trees and shrubs on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and shrubs.

7 -Non-Standard Condition/Reason

The retail units hereby approved shall not commence trading until a Flood Response Plan (FRP) for the site, has been submitted to and approved in writing by the local planning authority. The Flood Response Plan shall make provision for temporary safe refuge of people in the event of a flood event and set out rescue/evacuation procedures. The approved FRP shall subsequently be implemented in accordance with the approved details in the event of a significant flood event.

Reason: To mitigate the risk of flooding and ensure the safety of people using the site in the event of a significant flood event.

8 - Non-Standard Condition/Reason

A competent person shall ensure that the rating level of noise emitted from the fixed plant, equipment, machinery shall not exceed 0dB(a) above the background prior to the development hereby permitted commencing trading. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries of noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the store hereby permitted commencing trading. All subsequent conditions shall comply with this standard.

Reason: In order to safeguard the amenity of nearby residential properties.

9 - Non-Standard Condition/Reason

The development hereby approved shall not commence trading until the development has been constructed to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the Local Planning Authority. This shall comply with the limiting value in condition 8.

Reason: In order to safeguard the amenity of nearby residential properties.

10 - Non-Standard Condition/Reason

Any plant, equipment or machinery on the premises shall be constructed, installed, and maintained so as to comply with condition 8. The noise generated by such equipment shall not have any noise frequency component that exceeds more than 5dB above the background frequency levels as measured at all boundaries of noise-sensitive premises.

Reason: In order to safeguard the amenity of nearby residential properties.

11 - Non-Standard Condition/Reason

The development hereby permitted shall not commence trading until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the control of fumes and odours. This shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such fume/odour control measures as shall have been approved shall be installed prior to the development hereby permitted commencing trading and 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.

12 - Non-Standard Condition/Reason

If any existing floodlighting is amended or augmented, details of the proposed floodlighting shall be submitted to and agreed, in writing, by the Local Planning Authority prior to its installation. The details shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers. 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 residential properties in the area.

13 - Non-Standard Condition/Reason

Any facilities for the above ground storage of oils, liquid fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bund compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment, to protect the groundwater quality in the area and to prevent blocking of the drainage system.

14 - Non-Standard Condition/Reason

Prior to the development hereby approved commencing trading, refuse storage and recycling facilities shall be provided in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such detail as shall have been installed shall be retained and maintained in good working order.

Reason: To ensure that adequate facilities are provided for refuse storage and collection in the interests of the amenity of nearby properties.

15 - Non-Standard Condition/Reason

Prior to the development hereby permitted commencing trading, provision shall be made within the site and in the vicinity of the site for the disposal and collection of litter resulting from its use, in accordance with details agreed in writing with the Local Planning Authority. Such equipment, arrangements and facilities as shall have been installed/provided shall thereafter be retained and maintained in good order.

Reason: To ensure that adequate facilities are provided for litter disposal in the interests of the amenity of nearby properties.

16 - Non-Standard Condition/Reason

In the event that land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of filled land and former industrial uses where there is the possibility of contamination.

17 - Non-Standard Condition/Reason

Prior to commencement of the development planning application drawing number 120729A/SK/05 Rev E shall be revised and submitted to and approved in writing by the Local Planning Authority to show the pedestrian crossing central island on the A134 Colne Causeway, immediately south of Greenstead Roundabout, either narrowed and/or relocated to widen the two northbound running lanes at the crossing. The development shall be carried out in accordance with the approved drawings

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, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

18 - Non-Standard Condition/Reason

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

- a) A minimum 3 metre wide pedestrian/cycle link between the south west corner of the proposal site and the food store building
- b) A minimum 3 metre wide pedestrian/cycle link between the existing main pedestrian access off Lightship Way and the food store building
- c) A minimum 3 metre wide pedestrian/cycle link between the end of Lightship Way and the food store building.

The development shall thereafter be carried out in accordance with the approved drawings

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

19 - Non-Standard Condition/Reason

Prior to initial trading the following works shall have been provided or completed:

- a) A capacity enhancement at Greenstead Roundabout as shown in principle on planning application drawing number 120729A/SK/05 Rev E
- b) An extension of the A134 Colne Causeway shared footway/cycleway to the end of highway into Lightship Way
- c) For a minimum period of 3 years bus service number 61 extended on a 30 minute frequency from its current finish time at approximately 19:30/20:00 hours to approximately 23:00 hours Monday to Saturday (and/or to coincide with the food store opening hours)
- d) A new bus stop (to current Essex County Council specification) within the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- e) A travel plan has been submitted to and approved in writing by the Ipa to include but shall not be limited to a travel plan co-ordinator and £3,000 contribution to cover Essex County Council's costs to approve, review and monitor the 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, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20 - Non-Standard Condition/Reason

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the retail superstore building shall be used primarily for the sale of convenience goods and at no time shall more than 46% of the net retail sales area hereby approved be used for the sale of comparison goods without the prior written approval of the Local Planning Authority.

Reason: The retail impact of the development has been assessed on this basis and any increase in the proportion of comparison goods would need to be carefully assessed in order to avoid adverse impacts on the town and other centres. Council needs the opportunity to assess and control where necessary the expansion of comparison goods floorspace at this site in the interests of safeguarding the viability and vitality of the Town Centre as a sub-regional shopping centre.

21 - Non-Standard Condition/Reason

Notwithstanding the details previously submitted, floor plans showing the proposed internal store layout and clearly indicating the distribution of convenience and comparison goods sales areas at the time of initial opening of the store, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of trading of the store hereby approved. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure that the Council has the opportunity to assess and control where necessary the expansion of comparison goods floorspace at this retail site in the interest of safeguarding the viability and vitality of the Town Centre as a sub- regional shopping centre and to ensure that the viability of other centres is not significantly adversely impacted upon.

22 - Non-Standard Condition/Reason

Notwithstanding the General Permitted Development Order 2015 (as amended) or any subsequent enactment, no additional floorspace, including additional mezzanine floorspace, shall be created or otherwise formed within any part of the superstore building envelope hereby approved otherwise than in accordance with a subsequent planning permission.

Reason: In order to ensure that the Council has the opportunity to assess and control where necessary the expansion of retail floorspace on this retail site in the interest of safeguarding the viability and vitality of the Town Centre as a sub- regional shopping centre.

23 - Non-Standard Condition/Reason

Notwithstanding the General Permitted Development Order 2015 (as amended) at no time shall the principal retail store be subdivided into multiple separate retail units otherwise than in accordance with a subsequent planning permission.

Reason: In order to ensure that the Council has the opportunity to assess and control where necessary the sub-division of this retail unit into smaller units at this retail site in the interest of safeguarding the viability and vitality of the Town Centre as a sub-regional shopping centre and to assess the impact on other retail centres.

24 - Non-Standard Condition/Reason

No deliveries of goods for sale shall be made to the development hereby permitted until a Service Yard Management Agreement (SYMA) has been submitted to and approved in writing by the Local Planning Authority. The approved SYMA shall thereafter be adhered to unless otherwise agreed in writing by the Local Planning Authority. The SYMA shall include as a minimum:

- service yard gates to be kept closed except to admit delivery vehicles
- type of delivery cage, palletting or other such load transfer device/s to be used
- goods delivery strategy including timings of deliveries
- access details and loading arrangements for vehicles making home deliveries.

From the date one month after which the development begins trading, details of compliance with the SYMA and of any complaints received by the operator regarding deliveries to the store and use of the service yard shall be supplied to the Local Planning Authority every two weeks until the date which is four months after the date on which the development begins trading. The operator and the Local Planning Authority shall then carry out a review of the SYMA and the operation of the service yard. From the date which is five months after the date on which the development begins trading the service yard and deliveries shall take place in accordance with the SYMA and any amendments to it agreed between the operator and the Local Planning Authority.

Reason: To protect the amenity of nearby residential properties and in order to minimise any risk of pollution or nuisance. Experience has shown that the metal cages often used to transfer goods from vehicles into food stores can cause considerable noise disturbance to nearby residents, particularly when deliveries are made at unsocial times. The Council will expect noise attenuation systems to be used. The Goods Delivery Strategy element is intended to prevent delivery vehicles queuing, waiting or laying- over outside the service yard at any point along Lightship Way or between the Colne Causeway roundabout and the Greenstead roundabout in order to gain access to the premises and service yard.

25 - Non-Standard Condition/Reason

No external tannoy, public address or other such audio system (other than fire alarms) shall be used outside of any building hereby approved without the prior approval of the Local Planning Authority.

Reason: In order to safeguard the amenity of nearby residential properties.

26 - Non-Standard Condition/Reason

No external lighting fixtures for any purpose shall be constructed or installed, including car parking lighting, until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To protect the amenity of adjoining residents and in the interests of highway safety.

27 - Non-Standard Condition/Reason

Prior to the commencement of the development hereby permitted details of all materials to be used for new hard surfaced areas within the site including roads/driveways/car parking areas/courtyards/paths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In order to incorporate sustainable urban drainage mechanisms into the overall design and in order to ensure an acceptable visual appearance.

28 - Non-Standard Condition/Reason

Prior to the commencement of the development, and notwithstanding such detail as has currently been provided, full details of any new screen walls, fences, railings or any other means of enclosure or boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. Such features shall be provided as approved prior to initial use of the approved retail units and shall be so retained thereafter.

Reason: In order to ensure that the public realm surrounding the units is of a high quality of design.

29 - Non-Standard Condition/Reason

The store hereby approved shall not commence trading until the car parking area has been laid out and made available for use in accordance with the approved drawings and that area shall not thereafter be used for any purpose at any time other than the parking of customer/staff/visitor vehicles.

Reason: In order to satisfy the Council's parking requirements, reduce car borne traffic and avoid queuing back of vehicles onto the roundabout adjacent to the main vehicular access at peak times.

30 - Non-Standard Condition/Reason

The development hereby approved shall not commence trading until bicycle parking facilities have been provided in the locations shown on the approved drawings, the design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve the development.

Reason: To ensure that adequate provision is made for cycle parking in line with Council policy in order to encourage a reduction in the use of the private car as a mode of travel.

31 - Non-Standard Condition/Reason

Prior to the commencement of trading at the site a pedestrian/cycle link into the south western corner of the site from the corner of Lightship Way and Colne Causeway, shall have been provided and it shall be permanently maintained thereafter. A revised drawing shall be submitted to and agreed in writing and the site development carried out strictly in accordance with these approved details prior to the opening for trade of the proposed retail units. The details to be submitted shall include the form and treatment of the opening including hard surfacing and lighting.

Reason: In order to make provision for improved and safe pedestrian/cyclist accessibility having regard to the unadopted status of the adjacent highway in Lightship Way and in the interests of promoting sustainable transport.

32 - Non-Standard Condition/Reason

No development shall take place, including any works of 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. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- 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 within the site and adjacent to the egress onto the highway
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of residential amenity, pollution prevention and to protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

33 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the following approved plans subject to the revisions agreed in accordance with relevant conditions set out above:

Reason: For the avoidance of doubt as to which plans are hereby approved as the plans have been amended through the course of this application.

19.0 **Informatics**

- (1) A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.
- (2) The developer is referred to the attached advisory note for the avoidance of pollution during the demolition & construction phases. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the development.
- (3) The applicant's attention is drawn to the comments and guidance contained in the Environment Agency in their letter dated 16 May 2014.
- (4) Prior to any works taking place in the public highway the developer shall have entered into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- (5) All highway related details shall be subject to the prior written agreement of the Highway Authority (Essex County Council).
- (6) This permission is subject to an agreement under s.106 of the Town & Country Planning Act 1990 (as amended). A copy of this agreement should be available on the Council's website or on request.
- (7) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

- (8) Environmental Protection have this site recorded as being on potentially contaminated land (former Moler Works) and on or within 250m of previously filled land. Some remedial measures were required for the B & Q development (chiefly removal of impacted soils and provision of a gas protective membrane). If there are to be any intrusive works, we would expect to see an assessment of potential risks: this would likely need to include provision of ground gas protection measures in any new structures. Any new works should not adversely impact on the existing ground gas protection measures.
- (9) 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.
- (10) 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. Please pay particular attention to these requirements.

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.



Simon Cairns
Planning Projects Manager
Colchester Borough Council
Rowan House
33 Sheepen Rd
Colchester
CO3 3WG

By email
Simon.Cairns@colchester.gov.uk

16 December 2014

Dear Simon,

**PROPOSED SAINSBURY'S STORE, COLCHESTER - RETAIL CRITIQUE,
FINAL REPORT NOVEMBER 2014**

We write in response to the Retail Critique Final Report November 2014, prepared by Nathaniel Lichfield and Partners (NLP) on behalf of Colchester Borough Council, in respect of the retail assessment submitted in support of the Sainsbury's application at Lightship Way (LPA ref: 143715).

NLP have previously provided retail advice to the Council in two submissions (Retail Critique dated May 2014, and Retail Critique Addendum dated July 2014) in respect of the above application. This further advice from NLP includes a consideration of the responses prepared by Indigo Planning to the previous NLP advice and of the objections received from Martin Robeson Planning Practice (MRPP) on behalf of Tesco Stores Limited.

At the outset, it is noted that NLP maintain their earlier conclusions that the proposed Sainsbury's store at Lightship Way will not result in a significant adverse impact on Colchester City Centre or on Greenstead Road District Centre. NLP have undertaken further testing of assumptions underpinning their impact assessment and maintain their view that the proposals will not result in significant adverse harm. In response to criticisms raised by MRPP, NLP also specifically assess the likely impact of the proposals on Garrison Road Local Centre and find that the proposals will not result in significant adverse harm. These conclusions are welcomed. The further work undertaken by NLP, specifically to address concerns raised by MRPP, must reassure the Council that the proposals pass the impact test established by the NPPF.

NLP's advice also revisits the justification provided by Indigo Planning in respect the two sequential sites; Vineyard Gate and Cowdray Centre. We comment on NLP's further advice in this respect below.

Sequential Sites

Vineyard Gate

NLP advise the Council that they '*have reservations about the suitability and availability of this site for the size of food store proposed by Sainsbury's*' (paragraph 3.23).

Essentially, given the ongoing uncertainty over the nature, size and timing of new development at the Vineyard Gate site, it is very difficult to categorically determine if this site can be delivered within a reasonable period of time and if it will include a suitable tenancy for a foodstore of the size proposed (allowing for flexibility) by Sainsbury's. Therefore, some common sense and realism must be applied to the consideration of this site as a sequentially preferable alternative.

We have already comprehensively addressed this site as a sequential site in detail in our Planning and Retail Statement and in our responses to NLP's previous advice and set out the various reasons why this site is not suitable to accommodate Sainsbury's current proposals at Lightship Way. However, to summarise:

- There is no certainty over the timing of the Vineyard Gate redevelopment scheme and it is unreasonable (under the precedent set by the Rushden Lakes decision) to expect Sainsbury's to wait the additional two years to 2019, which is the very earliest Sainsbury's could potentially occupy space in Vineyard Gate. There is no certainty about this date and the timeframe could be even further;
- There is no certainty that the redevelopment scheme will accommodate space that is suitable for the proposals (allowing for some flexibility in format and scale) and NLP recognise, and advise the Council to consider, the prospect that a new Sainsbury's store in this location would jeopardise the delivery of a comparison goods anchor, such as a department store, in Colchester town centre;
- The option for Sainsbury's to deliver a second town centre store is not a commercially viable one for the Company. This is a matter of fact;
- The option for Sainsbury's to deliver a relocated, enlarged Priory Walk store on the Vineyard Gate site might be viable, but as indicated previously, discussions with Caddick Developments to date remain ongoing as Caddick continue to work towards producing a viable redevelopment scheme. In any case, Sainsbury's town centre representation is separate to the proposals at Lightship Way and any changes in this regard do not depend on the outcome of this planning application; and
- Caddick Developments have not objected to the Sainsbury's application on this basis.

In short, the site is unavailable in the short term and there is no certainty that it

will be available within a reasonable period. With ongoing delays, the likelihood of delivery by 2019 diminishes further. While, in theory it is large enough to accommodate the proposals at Lightship Way, the Dundee decision confirmed the inappropriateness of a theoretical application of the sequential test and determined that the sequential test must be applied within the 'real world', taking into account relevant business and commercial requirements of applicants.

Furthermore the recent Rushden Lakes decision (ref: APP/G2815/V/12/2190175) has clarified the interpretation of availability, and taken a firm view to deliver economic growth expediently.

It is simply not realistic, fair or reasonable to expect Sainsbury's to wait until Caddick Developments have completed their design phases, prepared planning application material and successfully negotiated planning permission (assuming that this is achieved) for their scheme before even the potential for Sainsbury's to be accommodated on the site can be tested.

Cowdray Centre

NLP maintain their view that the Cowdray Centre has not been conclusively discounted as a sequential site but advise the Council to consider both the availability and suitability of the site in the context of the proposals. Specifically, paragraph 3.27 of the Retail Critique Final Report advises that the:

'Council needs to consider whether a food store of the size proposed by Sainsbury's would meet the Council's objectives for the site. The site could be discounted as unsuitable if a large food store of the size proposed does not meet these objectives.'

Paragraph 3.32 goes on to advise that:

'The Council then needs to explore whether the site can be brought forward quickly. A food store would need to be completed on the site by 2017, which would mean obtaining planning permission during 2015 and start on site in 2016 at the latest.'

We have previously addressed the issue of whether the proposals can fulfil policy aspirations for this site. In our view, they cannot. Adopted policy is outlined as follows.

The adopted Core Strategy 2008 (revised in 2014) states the following with respect to the Cowdray Centre:

The North Station / Cowdray Avenue area is a major gateway to Colchester and is highly accessible by a range of transport modes. The train station offers links to the borough, region and London, whilst the North Transit Corridor will provide easy access to the Town Centre, North Colchester and Park and Ride. Private car access will also be accommodated, via the new A12 junction and the Northern Approaches. This area also contains a range of sites with significant

redevelopment potential (e.g. North Station and Cowdray Centre). The Council will manage the regeneration of the North Station Area to deliver:

- *An attractive gateway to business, tourists, commuters and residents*
- *New office and mixed use development at central locations*
- *Key transport connections between Town Centre and North Colchester.*

(our underlining)

Policy SA TC1 of the adopted Site Allocations Document 2010 states the following in respect of appropriate uses within the North Station Regeneration Area (which includes the Cowdray Centre):

Cowdray Centre – The Cowdray Centre is designated for 'Mixed Use Redevelopment'. This should provide a range of uses within the categories of retail, residential, leisure, hotel, and employment. The residential element shall comprise no more than 50% of the site area and existing businesses will be encouraged to remain. Development of the site should also deliver improved connectivity to the Town Centre and North Station for vehicles (especially public transport), pedestrians and cyclists; and a green link between Highwoods Country Park and Leisure World/Castle Park. In addition land should be safeguarded for a potential future vehicular link under the railway to Turner Rise (our underlining).

In short, the adopted Core Strategy and Site Allocations documents make it very clear that mixed use redevelopment of the site is envisaged, including a range of uses such as office, residential, retail, leisure, hotel and employment uses. While retail uses are acceptable, the retail-led redevelopment of this site for a stand-alone foodstore simply does not reflect the Council's aspirations for this site. Indeed, that any proposals of this nature would have to demonstrate compliance with local and national retail policy tests confirms that a standalone foodstore is not entirely in line with policy aspirations at this regeneration site. In the context of NLP's advice, the site should be dismissed as unsuitable as the proposals cannot deliver the policy objectives.

In terms of availability, NLP advises the Council to consider if the site can be brought forward quickly. In this context, it is relevant that the redevelopment of the Cowdray Centre has been awaited for some 8 years. Despite proactive planning from the Council, redevelopment of the site remains uncertain, with no clear timeframe for regeneration of the entire site, or even part of the site.

Further, it is understood that the most recent proposals to deliver a Morrisons foodstore on part of the site have been abandoned and the site's owners are exploring options for non-food, industrial and residential development. Therefore, notwithstanding the improbable prospects of securing permission for a foodstore scheme (including finding an operator, securing Company board approval, undertaking the necessary work to support a planning application and successfully completing the planning application process) within the next 12 months; it is highly likely that any future schemes at the site will exclude food retailing altogether.

It is of note that, as with the Vineyard Gate site, the owners of the Cowdray Centre have not raised an objection to the proposed development on the grounds that this site would be sequentially preferable. This suggests that, following the collapse of the Morrison's deal, the owners are not actively pursuing a large foodstore to form part of the development of the site.

The lack of any interest in developing this site for food retailing purposes and the improbability of achieving a scheme on this site which could accommodate the proposed floorspace within the next 12 months should be sufficient to exclude the site on the basis of availability. The Council should not delay other new development schemes on this basis. This approach conflicts entirely with the precedents set out in recent appeal decisions including the Dundee and Rushden Lakes decisions referenced in our earlier submissions.

Impact

NLP undertake their own assessment of the impact of the proposals in their Retail Critique Final Report. As previously mentioned, their findings confirm their earlier position that the proposals will not result in significant adverse impact on Colchester Town Centre or Greenstead Road District Centre. They further confirm that they proposals will not result in significant adverse impact on Garrison Road Local Centre. In coming to these findings, NLP confirm:

- The assessment of impact at 2017 is a worst case scenario analysis (paragraph 2.4);
- The decision by B&Q change their representation in Colchester is not linked to the Sainsbury's application (paragraph 4.7);
- The proposals are unlikely to lead to convenience store closures in the town centre (paragraphs 4.44 and 4.45);
- The cumulative convenience impact of the proposed Sainsbury's store and the NCUE store is not expected to be significant (paragraph 4.47);
- The cumulative comparison impact of the proposed Sainsbury's store and the William and Griffin commitment is not expected to lead to store closures in the town centre (paragraph 4.49);
- The proposed Sainsbury's store is not expected to delay the implementation of the William and Griffin commitment (paragraph 4.53);
- The proposed Sainsbury's store would not necessarily jeopardise the Vineyard Gate development (paragraph 4.56);
- There is no significant adverse impact on Greenstead Road District Centre (paragraph 4.68) (and NLP reject MRPP's assertion that 'significant' trade diversion must mean 'significant adverse impact'); and
- The proposals will not harm the Garrison Road Local Centre or jeopardise



planned investment (paragraph 4.70).

In short, NLP conclude that the proposals will not result in significant adverse impact on existing centres or planned or committed investment, based on (at their own admission) a 'worst case scenario' assessment of impact at 2017.

The Council should now be satisfied that the impact of the proposals has been fully, appropriately and fairly assessed and found to be acceptable. NLP have addressed all of MRPP's repeated objections in this regard and categorically dismissed the assertions that the proposals will cause a significant adverse impact.

I trust that the Council are now in a position to favourably determine the application. However, should you have any queries in relation to the above, please do not hesitate to contact me.

Yours sincerely



Sean McGrath

cc: Mr D Lazenby, Sainsbury's Supermarkets Ltd



Nathaniel Lichfield
& Partners

Planning. Design. Economics.

**Proposed Sainsbury's Store
Colchester**

Retail Critique - Final Report

Colchester Borough Council

27 November 2014

13184/PW/PW

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1.0

Introduction

1.1

Sainsbury's Supermarkets Ltd submitted a planning application for the reuse of the B&Q store at Lightship Way in Colchester to provide a Sainsbury's food store. The application proposals seek a food store of 15,787 sq.m gross external floorspace and a net sales area of 7,197 sq.m net.

1.2

Nathaniel Lichfield & Partners (NLP) was commissioned by Colchester Borough Council to undertake an independent review of the Planning and Retail Statement prepared for the applicant by Indigo Planning Ltd (IPL). NLP's conclusions were set out in the Retail Critique Report May 2014.

1.3

IPL prepared a response to NLP's critique in a letter dated 12th June 2014. NLP prepared an addendum to the Retail Critique Report to address the issues raised by IPL's response. This addendum was dated July 2014. IPL responded to the addendum in a letter dated 18th August 2014.

1.4

An objection letter dated 24th July 2014 was submitted by Martin Robeson Planning Practice (MRPP) on behalf of Tesco Stores. This letter addressed matters relating to IPL's Planning and Retail Statement and NLP's Retail Critique Report May 2014.

1.5

A series of response letters from IPL and MRPP followed, as set out below:

- IPL response letter dated 19th August 2014;
- MRPP further response dated 12th September 2014;
- IPL further response dated 24th October 2014;
- MRPP further response dated 7th November 2014; and
- MRPP further response dated 13th November 2014;

1.6

IPL's responses primarily relate to the sequential approach. MRPP's responses dispute the findings of impact assessments prepared by IPL and NLP and the sequential approach.

1.7

NLP has reviewed this correspondence and assessed the implications for NLP's previous retail planning advice provided to the Council. This report pulls together and updated previous advice in the light of submission received from the applicant and MRPP on behalf of Tesco Stores Limited.

2.0

Base Data and Assumptions

Introduction

2.1

This section compares the base data and approached adopted by NLP and IPL, and highlights relevant information submitted by the applicant and objector. Key base data was circulated and agreed in January 2013.

2.2

The IPL letter dated 12th June 2014 highlights a number of areas of agreement relating to NLP's original May 2014 conclusions, summarised below.

- The proposed Sainsbury's store is unlikely to lead to the closure of stores in Colchester town centre.
- The longer term convenience impact of the proposed Sainsbury's store and North Colchester Urban Extension (NCUE) store is not expected to be significant.
- The level of comparison trade diversion generated by the proposed Sainsbury's store is not expected to lead to store closures in the town centre.
- There is no clarity regarding the extent of new retail floorspace provision at the Vineyard Gate redevelopment but even if plans were delayed for two years, this is unlikely to jeopardise the redevelopment.
- The Tesco store at Greenstead Road is not likely to close as a consequence of the opening of the proposed Sainsbury's store.

2.3

However IPL raised a number of remaining issues relating to the sequential approach and the retail impact assessment in subsequent submissions. MRPP also provided comments on behalf of Tesco Stores Ltd. These issues are assessed in Section 2 and 3 of this report, respectively.

Base Year, Design Year and Price Base

2.4

As agreed a 2014 base year and 2017 design year has been adopted by IPL, with horizon year figures for 2019. IPL suggests (paragraph 6.49) that the 2017 design year is optimistic, because Sainsbury cannot occupy the store until B&Q relocate. Assuming B&Q requires planning permission to construct a new store it seems unlikely Sainsbury's can commence work on converting the store until 2016 at the earliest. The Sainsbury's store is unlikely to be completed until early 2017. We would normally allow between 18 months to two years to achieve settled trading levels. On this basis the 2017 design year provides an appropriate worst case (earliest) impact scenario.

2.5

NPPF (para. 26) suggests impact assessments should assess impact up to five years from the time the application is made, which is in this case 2019.

2.6 IPL's expenditure and turnover figures are quoted at 2011 prices. NLP's retail study update adopts a 2011 price base.

Study Area and Population

2.7 IPL has adopted the study area and nine zones adopted in the CRTCS 2013.

2.8 The CRTCS adopts Experian population data from the 2011 Census. ONS 2011 interim sub-national projections were adopted. These sub-national projections are expected to be updated on the 29th May 2014. In the meantime population projections within the CRTCS should be adopted. It is unlikely the updated projections will significantly change population projections at 2014, 2017 and 2019.

Convenience Goods Expenditure

2.9 As agreed IPL has adopted Experian local convenience goods expenditure data. The CRTCS Experian 2011 base year local expenditure data is adopted, but adjusted based on Experian's latest forecasts (October 2013).

Shopping Patterns

2.10 IPL has adopted base year, design year and horizon year convenience goods shopping patterns as provided by NLP. These figures have been adopted in IPL's impact analysis.

2.11 No detailed analysis of comparison goods expenditure is provided. IPL refers to data within the CRTCS. Given the scale of comparison sales floorspace proposed (3,115 sq.m net) we believe a more detailed analysis should be undertaken.

Turnover of the Proposed Sainsbury's Store

2.12 The proposed Sainsbury's store has a gross external floor area of 15,787 sq.m. This includes a mezzanine floor for a proposed café (370 sq.m), a "Goods On-line" facility, colleague area and domestic area.

2.13 The net retail space as stated at IPL's paragraph 3.3 is 7,197 sq.m net. The net sales floorspace figure quoted in IPL's Table 9 is 6,831 sq.m net, which presumably excludes checkouts. These figures suggest a net to gross ratio of less than 46% or 43% without checkouts. These figures are at the bottom of the range NLP would normally expect for stores of this size. For example increase the net to gross ratio to 55% would increase the sales area to 8,683 sq. net and would significantly increase the predicted turnover of the store (an additional £18 million pro rata based on IPL's figures).

2.14 In order to control the level of impact of the proposed store, the net retail floorspace excluding checkouts should be restricted to not more than 6,831 sq.m net as tested by IPL. We understand this condition is acceptable to

Sainsbury's, and therefore the implications of a larger net sales area does not need to be tested.

2.15 IPL estimates that about 54% of the sales area will be devoted to convenience goods (3,716 sq.m net). ILP's estimated convenience goods turnover of the store is £46.59 million, based on an average sales density of £12,537 per sq.m net. The comparison turnover of the store is £20.72 million, based on an average sales density of £6,652 per sq.m net. IPL's overall turnover for the store is £67.31 million.

2.16 Based on Verdict data, NLP would currently normally adopt an adjusted average sales density of £13,115 per sq.net for convenience goods sales floorspace and £5,258 per sq. net, exclusive of checkout areas for Sainsbury's store. This figure would produce a higher expected convenience goods turnover of £48.73 million and a comparison goods turnover of £16.38 million. NLP's overall turnover of the store is marginally lower at £65.11 million.

2.17 IPL correctly points out that a figure of £12,537 per sq.m net for convenience sales was adopted for Sainsbury's within the CRTCS, and the revised figure is now 4.6% higher. Sainsbury's suggests this level of growth is not credible and adopt the CRTCS figure should be adopted.

2.18 We have revisited the figures and the key issue is not the growth in Sainsbury's overall turnover, but it is the breakdown in turnover assumed by Verdict and the split between comparison and convenience turnover. The adjusted sales density adopted from Verdict data within the CTRCS assumed 2% of Sainsbury's turnover was attributed to petrol/caf  sales (98% via traditional store sales). Verdict's latest suggested reduction based on Sainsbury's own data is only 1% (i.e. 99% via traditional store sales). Previous Verdict data also suggested that 82.1% of the remaining turnover related to convenience goods, the revised latest figure is now 87% for Sainsbury's. As a result of these two changes the convenience goods sales density for Sainsbury's has increased by 4.6%.

2.19 If Sainsbury's suggests that Verdict's data is not correct then it does not automatically follow that the previous data adopted in the CRTCS was correct and the latest data is wrong.

2.20 For this reason, NLP has undertaken an impact sensitivity analysis based on IPL's turnover figures and NLP's figures, in order to test the significance of these differences.

Trade Diversion

2.21 IPL estimates convenience trade diversion from facilities in Colchester at 2017 in Table 10B. The trade diversion within this table totals £44.75 million, of which £39.38 million is diverted from facilities in Colchester Borough, which is 84.5% of the store's total turnover.

2.22 Colchester has a good choice of large food stores and levels of expenditure retention within Colchester Zone 1 is very high (98.3%). There is limited scope

to claw back expenditure leakage. IPL's assumed £7.21 million trade draw from stores outside the Borough needs to be tested. Furthermore comparison goods impact needs to be considered in more detail.

2.23 MRPP (letters dated 24th July 2014 and 12th September 2014) also questions IRP trade diversion figures, e.g. the similar levels of trade diversion from the Tesco stores at Greenstead Road and at Highwoods. MRPP criticises IPL's failure to apply judgments regarding the propensity of the proposed store to compete with existing stores and the principle of "*like competes with like*".

2.24 MRPP also criticises NLP for not identifying these alleged failings. This is not the case. NLP also has a number of reservations regarding IPL's impact figures, and therefore NLP undertook its own retail impact assessment, including weighted judgements regarding the location and propensity of the proposed store to compete with existing stores. NLP's impact figures show higher levels of impact on other large store, and in particular on the nearby Tesco store at Greenstead Road (see Section 4).

3.0

Sequential Approach

Policy Considerations

3.1 The sequential approach to site section for main town centre use is set out in paragraph 24 of the NPPF. The application site is in an out-of-centre location in Colchester. For the purposes of retail development, Annex 2 of the NPPF indicates that town centre and edge of centre sites that are locations well connected and up to 300 metres of the primary shopping area should be considered by the applicant.

3.2 If the Council is satisfied the proposed store will not have a significant adverse effect on designated centres, then the availability of suitable sites should be considered. The NPPF (paragraph 27) states that where an application fails the sequential test it should be refused.

3.3 The hierarchy of centres and sequential approach is set out in the Core Strategy (Policies CE1 and CE2). Colchester town centre is at the top of the hierarchy, followed by three rural district centres and five urban district centres and then local centres. Policy CE2a indicates that the sequential priority for retail is the Town Centre Core, followed by Urban Gateways and the Town Centre Fringe. These policies were based on National Policy within PPS6. The policy approach regarding the definition of the hierarchy of centres and the application of the sequential approach remains largely unchanged within the NPPF. Policies CE1 and CE2 remain up-to-date and must be considered by the applicant.

3.4 Within urban district centres, Policy CE2b indicates new retail is not supported unless it meets identified local needs and does not compete with the town centre. Town centre uses outside the district centre boundary should comply with the sequential approach as set out in Policy CE2a.

3.5 The NPPF indicates that applicants must demonstrate flexibility on issues such as scale and format.

Analysis

3.6 The proposal seeks to provide a large food superstore to improve food shopping provision in Colchester. It should be noted the applicant is not required to demonstrate their proposals are needed, but the NPPF suggests an applicant must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility. Applicants should be flexible in terms of the scale of store proposed and the amount of car parking.

3.7 IPL suggests the proposal is for the conversion of existing retail premises to accommodate a food store, and claim it would be disproportionate and inappropriate to expect Sainsbury's to develop a new store. NLP and MRPP have not accepted this approach. The key issue is whether a new food store would be suitable and viable. These issues are addressed later.

3.8 IPL indicates (paragraph 6.13) that the Council has confirmed there are only two potential areas that are sequentially preferable i.e. the Vineyard Gate/St Botolphs area and the Cowdray Centre.

3.9 IPL sought to address the issues raised by NLP in relation to the potential availability and timing of the Vineyard Gate site and the Cowdray Centre. IPL's letters dated 12th June 2014 and 18th August 2014 provide further commentary on both sites.

Vineyard Gate

3.10 IPL indicate that the Council officers have confirmed that an application is not imminent for the Vineyard Gate redevelopment. IPL discounts this site on the grounds that it is not available within a reasonable period of time, it is unsuitable and unviable.

3.11 NLP's May 2014 critique report suggested that the Vineyard Gate redevelopment could be completed in 2017/18 if planning permission was secured in 2014/15. IPL disputes this timetable and suggests the scheme is unlikely to be completed until 2019. This later completion date is based on a presentation to Council Cabinet (17 March 2014), where representatives from Caddick Developments confirmed that they expect to start on site some time in 2016. If the expected start on site is 2016 then NLP's agrees that a 2019 earliest completion date is realistic.

3.12 NLP previously understood that Sainsbury's could not occupy the application premises until B&Q relocate, but IPL now indicate vacant possession will be obtained in 2016, regardless of B&Q's relocation. Assuming vacant possession in 2016, the Sainsbury's store could be completed in 2017. As indicated above, an alternative Vineyard Gate redevelopment could in theory be completed by 2019, which would mean a two year delay for Sainsbury's.

3.13 The recent Rushden decision, highlighted in IPL's letter dated 18th August 2014, suggests this delay is likely to indicate that an alternative site is unavailable in sequential terms.

3.14 Notwithstanding the timing of the Vineyard Gate development, IPL suggests the site is unavailable and unsuitable because it is unclear that the proposed food store can be accommodated within the scheme. IPL suggest that the revised Vineyard Gate scheme includes one anchor store (size unknown), but IPL suggests there is no indication of whether this is intended for a convenience or comparison retailer. In any event the anchor store may not be large enough to accommodate the size of food store proposed on the application site.

3.15 Accommodating a large Sainsbury's store on the Vineyard Gate site will prevent the delivery of a department store, but it is for the Council and the developers of the Vineyard Gate site (rather than NLP, IPL or Sainsbury's) to determine whether this will make the site unsuitable for a Sainsbury's store.

3.16 As indicated in NLP previous advice, the Council needs to consider the suitability of a large food superstore on the Vineyard Gate site.

3.17 IPL questions the suitability and viability of the Vineyard Gate for a Sainsbury's food store. IPL suggests the site is unsuitable for Sainsbury's because they already have a store within Colchester town centre. IPL suggests a second Sainsbury's store in the town centre would not achieve the Council's aspirations for the site or town centre. IPL suggests two Sainsbury's stores within the town centre would be unviable. NLP accepts Sainsbury's are unlikely to occupy two food stores within the town centre.

3.18 IPL states that duplication of Sainsbury's offer in the town centre would "*not represent a good or reasonable planning decision to strengthen the town centre's retail offer and would not improve consumer range and choice of convenience goods and it would undermine the opportunity to deliver a significant improvement in the town's retail offer, and particularly the delivery of a department store.*"

3.19 Notwithstanding the viability of two Sainsbury's store within the town centre, a more likely scenario is Sainsbury's relocate their existing town centre store (1,235 sq.m net) into a much larger store of a similar size (7,197 sq.m net) to that proposed at Lightship Way. IPL suggests this is a possible scenario but suggests the town centre store would serve a different catchment area. NLP is not convinced the catchment areas of the two stores are significantly different.

3.20 The Council needs to consider the following issues when determining the planning application. First the Council should consider whether a large food store (of the size proposed on the application site) would be suitable on the Vineyard Gate site, e.g. recognising that it would prevent a new department store. The site could be discounted as unsuitable for the application proposal.

3.21 If the site is considered suitable for a food store of the size proposed by Sainsbury's then the Council should consider the availability and timetable for delivery. The Council needs to consider whether the development of the Vineyard Gate site can be brought forward to deliver a new food store by 2017. If this earlier timetable is considered feasible, then the Council should liaise with the developer to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use. NLP notes that Caddick Developments has not objected to Sainsbury's planning application.

3.22 Subject to the Vineyard Gate site being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate this opportunity is unviable for this site to be discounted.

3.23 Based on the information available NLP has reservations about the suitability and availability of this site for the size of food store proposed by Sainsbury's.

Cowdray Centre

3.24 IPL disputes the availability and timing of the Cowdray Centre, because there are no clear plans for its development. IPL also claims that a Sainsbury's store would not deliver the mixed use regeneration that the Council like to see on this site. However, MRPP claims the site is eminently suitable for the proposed development.

3.25 IPL has conceded the site is large enough to accommodate the proposed Sainsbury's store, but its suitability is questioned in terms of access, traffic, noise and amenity issues. IPL suggests these issues have not been considered in detail. NLP suggested the onus is on the applicant to demonstrate a sequential site is unsuitable for their proposals. IPL's response to this conclusion (letter dated 18th August 2014) states "*it does not seem sensible or proportionate to expect Sainsbury's to spend money looking at the suitability of a site which is not available and unlikely to come forward in the short to medium term.*"

3.26 From this statement one can deduce IPL is relying on discounting this site as unavailable. Unfortunately NLP has insufficient information to draw any conclusions regarding the suitability of the site. MRPP draw attention to a Spatial Policy statement that refers to the "*acceptability of some retail on the site in the future as being established through the designation of the site as a Mixed Use centre including retail.*" This statement does not on its own indicate a large food store is suitable on this site.

3.27 Council needs to consider whether a food store of the size proposed by Sainsbury's would meet the Council's objectives for the site. The site could be discounted as unsuitable if a large food store of the size proposed does not meet these objectives.

3.28 In terms of availability, IPL (letter dated 18th August 2014) suggests it will take only four months to refit the B&Q store, but the construction of a new store will take 12 months. These timetables may be correct, but IPL has indicated that vacant possession of the B&Q unit will be obtained in 2016, therefore refit work cannot commence for some time.

3.29 IPL also implies that the construction of a new Sainsbury's store rather than a re-fit of a B&Q store would not be viable. No evidence has been submitted to support this claim. Refitting a store may cost less than building a new store, subject to site acquisition costs, but the issue is whether a new build option is viable or unviable, not whether it is more or less costly. The Dundee decision does not suggest only similar refit opportunities should be considered. MRPP also agrees with this interpretation of the Dundee decision.

3.30 The relevant issue is viability. IPL's own figures suggest the store will achieve a significant turnover of over £67 million. Based on NLP's experience this level of turnover would normally fund the construction of a new Sainsbury's store.

3.31 The additional information provided by IPL does not adequately discount the Cowdray Centre site. The Council needs to consider the suitability of a large

food superstore of the size proposed on this site. If the Council considers that a large food store would not be suitable for the regeneration of this site then it can be discounted.

3.32 The Council then needs to explore whether the site can be brought forward quickly. A food store would need to be competed on the site by 2017, which would mean obtaining planning permission during 2015 and start on site in 2016 at the latest.

3.33 If the site is considered suitable for a large food store and the Council considers the site could be brought forward for development quickly, then the Council should liaise with the developer to establish whether they consider that a large Sainsbury store is suitable and that the site is available for that use.

3.34 Subject to the site being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate this opportunity is unviable for this site to be discounted.

4.0

Retail Impact

Introduction

4.1 Government guidance contained within the NPPF indicates proposals for sustainable development should be approved unless there are likely to be significant adverse impacts which outweigh the benefits of the proposal.

4.2 Paragraph 26 of the NPPF suggests, where there is no locally set floorspace threshold within an up to date development plan, then retail impact assessments will normally only be required for retail developments of 2,500 sq.m gross or more. This application is over 15,000 sq.m gross and is above the NPPF threshold. The applicant has prepared a retail impact assessment.

4.3 NPPF states that planning applications for town centre uses should be assessed against:

- 1 the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- 2 the impact of the proposal on the town centre's vitality and viability, including local consumer choice and trade in the town centre and wider area.

4.4 If a proposal is likely to lead to a significant adverse impact then this material consideration may still warrant refusal.

4.5 MRPP points out (on behalf of Tesco Store Limited) that development plan policy requires an assessment of impact on the Greenstead Road and Highwoods Urban District Centres and on the Garrison Butt Road Local Centre, in addition to Colchester Town Centre.

4.6 As noted in Section 2, IPL notes NLP's conclusions relating to impact, but does not agree with some of the assumptions made by NLP. IPL only accepts NLP's figures as a worst case level of impact. Nothing within the submissions made by MRPP or IPL warrant changes to NLP's methodology or key assumptions. NLP's retail impact assessment is set out in this section.

4.7 MRPP also suggests the implications of loss of choice and competition in the DIY sector (i.e. B&Q) needs to be taken into account. This may be a material consideration when weighing up the benefits and disbenefits of the proposals. However if B&Q has taken a business decision to change their representation within Colchester then the closure of this store is not necessarily linked to the Sainsbury's planning application.

Convenience Goods Impact Analysis

4.8 As indicated in Section 2, most of the base data has been agreed and adopted by IPL. The areas of difference are the split between comparison and convenience and potentially the distribution of trade diversion.

4.9 The Colchester study area has been adopted. Population within the study area is shown in Table 1 in Appendix 1. Convenience goods expenditure per person is shown in Table 2 in Appendix 1. Total expenditure is shown in Table 3 in Appendix 1.

Base Year Trading Patterns in 2014

4.10 Base year trading levels have been derived from the market shares for food and grocery (convenience goods) shopping, as adopted in the CRTCS. Food and grocery market shares are shown in Table 4. Base year shopping expenditure patterns are shown in Table 5.

4.11 The base year total convenience turnover of facilities in Colchester (including Stanway) is estimated to be £351.72 million as shown in Table 5. IPL has adopted this base year trading figure. The benchmark turnover of existing food stores in Colchester is £324.48 million as shown in Table 14. IPL's comparable figure is £319.18 million, because a slightly lower turnover density is adopted for Sainsbury's stores and NLP has added the new Tesco Express store on Magdalen Street. These figures indicate that existing food stores in Colchester are on average trading 8.4% to 10.2% above benchmark levels.

4.12 MRPP questions the trading performance of the Tesco store at Greenstead Road. MRPP suggest previous information provided by IPL in 2009 based on GVA's North Essex Retail Study suggested this Tesco store was under-trading. MRPP claims IPL has not adequately explained why the Tesco store is now considered to be over-trading.

4.13 The GVA 2009 study was based on household survey results from 2006. This data is now out of date and unreliable. NLP's figures are based on a comprehensive household survey in September 2012. NLP's figures suggest the Tesco store is trading about 22% above the current Tesco company average. The GVA study suggested the store was trading about 13% below the company average in 2009. There two main reasons for this change:

- allowing for inflation, Tesco's company average sales density has fallen by 23%. GVA adopted a figure of £10,873 per sq.m net at 2007 prices, whilst NLP adopts £10,670 sq.m net at 2011 prices. MRPP recently adopted an average sales density of £10,182 per sq.m net (2012 prices) for a proposed Tesco store in Market Harborough, i.e. an even lower average sales density figure.
- GVA estimated the Tesco store devoted 70% of its sales floorspace to convenience goods, NLP estimates a lower figure of 60%.

4.14 As a result of these two changes, the benchmark (company average) convenience goods turnover of the Tesco store has reduced significantly.

4.15 The GVA 2009 study suggested the convenience goods turnover of the Tesco store was £34.15 million in 2009 (2007). This turnover is £43.73 million at 2011 price. NLP estimates the actual turnover of the Tesco store is £44.06 million in 2014 (2011 prices). The actual turnover of the Tesco store does not appear to have been over-estimated, nor has it changed significantly since 2009.

4.16 Based on the information available, we are satisfied the Tesco store is trading well above the current company average, and the change from the 2009 position is credible.

Design Year Trading Patterns – Assuming No Development

4.17 The future convenience shopping patterns at 2017 for food grocery shopping is shown in Table 6 in Appendix 1. The total convenience turnover of facilities in Colchester is estimated to increase by 4.8% from £351.72 million in 2014 to £368.73 million in 2017, due to population and expenditure growth.

Design Year Trading Patterns – With commitments

4.18 NLP's estimated trade draw for the proposed food store commitments is shown in Table 7 in Appendix 1. The trade draw is based on existing evidence from the household survey results in relation to the trade draw of existing large food stores in Colchester. The convenience goods turnover of all commitments is £30.55 million.

4.19 The projected shopping patterns with commitments included are shown in Table 8 in the Appendix 1. The pattern of trade diverted from existing facilities is based on current shopping patterns, the expected trade draw of the commitments, and judgments about the propensity for commitments to compete with other facilities for food and grocery shopping trips.

4.20 The impact of commitments in Colchester is summarised in Table 15. The proportional impact on food stores in Colchester ranges from -1.6% to -10.8%. The highest impact (-10.8%) will fall on the Tesco store on Greenstead Road.

Design Year Trading Patterns – With Proposed Sainsbury's Store

4.21 NLP's estimated trade draw for the proposed Sainsbury's store is shown in Table 9 in Appendix 1. The expected convenience goods turnover is £48.73 million, as set out in paragraph 2.13. IPL's adopted figure is slightly lower (£46.59 million).

4.22 The projected shopping patterns with commitments and the Sainsbury's store included are shown in Table 10 in the Appendix 1. The cumulative impact of commitments and the Sainsbury's store is summarised in Table 15. The proportional impact on food stores in Colchester ranges from -6% to -28%. The highest impact (-28%) will again fall on the Tesco store on Greenstead Road.

4.23 A summary of NLP and IPL's cumulative impact results at 2017 is shown in Table 4.1 over leaf. This table also includes NLP's revised impact figures, adopting IPL's lower convenience good turnover of £46.59 million.

Table 4.1 – Cumulative Retail Impact Summary 2017 (% Impact)

Centre	IPL	NLP	NLP (IPL turnover)
Asda, Colchester	-13.2	-17.9	-17.4
Sainsbury's, Priory Walk, Colchester	-8.6	-13.4	-13.0
Other Colchester town centre	-2.2	-6.0	-5.8
Tesco Extra, Colchester	-13.7	-16.2	-15.7
Tesco, Greenstead Road, Colchester	-27.6	-28.1	-27.3
Waitrose, Colchester	-14.5	-13.8	-13.4
Colchester Other	-8.4	-10.2	-10.0
Sainsbury's Stanway	-26.0	-22.8	-22.2
Co-op, Stanway	-9.9	-16.0	-15.7
Tiptree	-13.0	-11.2	-10.9
West Mersea	-3.0	-7.2	-7.0
Wivenhoe	-5.5	-8.6	-8.4

4.24 In general NLP's impact percentages are higher than IPL's figures, and only a small element of this difference is due to NLP's higher adopted store turnover.

4.25 NLP predict higher trade diversion from food stores in Colchester town centre than IPL, whilst IPL predicts higher trade diversion from Sainsbury's in Stanway.

Horizon Year Trading Patterns – With Proposed Sainsbury's Store

4.26 The projected shopping patterns with commitments and the Sainsbury's store at 2019 are shown in Table 11 in the Appendix 1. The total convenience turnover of facilities in Colchester is estimated to increase by 2.8% from £380.94 million in 2017 to £391.57 million in 2019, due to population and expenditure growth.

Horizon Year Trading Patterns – With North Colchester UE Store

4.27 NLP's estimated trade draw for the proposed food store within the North Colchester Urban Extension neighbourhood centre is shown in Table 12 in Appendix 1. The expected convenience goods turnover is £29.14 million. The impact of the NCUE store is summarised in Table 16. The proportional impact on food stores in Colchester ranges from -2.4% to -10.1%. The highest impact (10.1%) will fall on the Asda and Tesco Extra stores.

4.28 The projected turnover of existing stores is compared with company average benchmark turnovers in Table 16. The reduction in base year (2014) trading levels is also shown hopping patterns with commitments, the NCUE store and the Sainsbury's store at 2019 are shown in Table 13 in the Appendix 1.

4.29 The total convenience turnover of facilities in Colchester is estimated to increase by 2.8% from £380.94 million in 2017 to £391.57 million in 2019, due to population and expenditure growth.

Comparison Goods Impact Analysis

4.30 Comparison goods expenditure per person is shown in Table 1 in Appendix 2. Total expenditure is shown in Table 2 in Appendix 2.

Base Year Trading Patterns in 2014

4.31 Base year trading levels have been derived from the market shares, as adopted in the CRTCS. Separate market shares have been estimated for the B&S store and comparison goods sales within food stores in order to assess impact in more detail. Comparison market shares are shown in Table 3. Base year shopping expenditure patterns are shown in Table 4.

4.32 The base year total comparison turnover of facilities in Colchester Borough is estimated to be £770.48 million as shown in Table 4.

Design Year Trading Patterns – Assuming No Development

4.33 The future comparison goods shopping patterns at 2017 are shown in Table 5 in Appendix 2, based on constant market shares. The total comparison turnover of facilities in Colchester Borough is estimated to increase by 10% from £770.48 million in 2014 to £847.65 million in 2017, due to population and expenditure growth.

Design Year Trading Patterns – With Commitments

4.34 Proposed improvements to the Williams and Griffin department store area expected to increase the turnover of the store by £17.5 million (3,500 sq.m net at £5,000 per sq.m. Future comparison goods shopping patterns with these improvements at 2017 are shown in Table 6 in Appendix 2.

Design Year Trading Patterns – With Reduced B&Q Store

4.35 The B&Q store is expected to relocate and we understand B&Q is looking to downsize and occupy a store 40% smaller than their existing store. We would not expect the B&Q store's turnover to reduce by 40%. In the same way store extensions generally do not result in an increase in turnover proportionate to the amount of additional sales floorspace. We estimate the B&Q's store is likely to reduce by up to 20%.

4.36 The projected shopping patterns with a 20% reduction in the B&Q store's turnover in 2017 are shown in Table 7 in the Appendix 2.

Design Year Trading Patterns – With Proposed Sainsbury's Store

4.37 NLP's estimated comparison goods trade draw for the proposed Sainsbury's store is shown in Table 8 in Appendix 2. The expected comparison goods

turnover is £16.38 million, as set out in paragraph 2.13. IPL's adopted figure is higher (£20.72 million).

4.38 The projected shopping patterns with Williams & Griffin, the reduced B&Q and the Sainsbury's store included are shown in Table 9 in the Appendix 2.

4.39 The cumulative impact on comparison sales in Colchester's food store is -4.1%, whilst the turnover of retail warehouse facilities in Colchester will increase by 0.9%, due to the reduced B&Q store. The proportional impact on other comparison shops in Colchester is -3.9%.

Horizon Year Trading Patterns – With Proposed Sainsbury's Store

4.40 The projected shopping patterns with the Sainsbury's store at 2019 are shown in Table 10 in the Appendix 2. The total comparison turnover of facilities in Colchester Borough is estimated to increase by 6.5% from £851.67 million in 2017 to £907.14 million in 2019, due to population and expenditure growth.

Horizon Year Trading Patterns – With North Colchester Urban Extension

4.41 The projected shopping patterns with the Sainsbury's store and NCUE at 2019 are shown in Table 11 in the Appendix 2.

Implications for Colchester Town Centre

4.42 If the Sainsbury's store is implemented along with commitments then the convenience turnover of existing facilities within Colchester town centre is estimated to decrease from £34.78 million to £31.41 million in 2017. Total convenience goods trade diversion from the town centre is £3.37 million.

4.43 The average impact on convenience goods facilities in Colchester town centre is -9.7%. Impact on the Priory Walk Sainsbury's store is expected to be higher than this average (-13.4%), whilst impact on other convenience facilities is lower (-6.0%). This -6% impact will primarily be focused on the Marks & Spencer, Iceland and Tesco Express stores within the town centre.

4.44 The Priory Walk Sainsbury's store is estimated to be trading 12.7% above the company average in 2014, and this is expected to increase to 18.4% above average in 2017. If commitments and the proposed Sainsbury's store are implemented then the trading performance of this Sainsbury's store will reduce by £2.32 million, but the store will still be trading 2.6% above the company average. There is no evidence to suggest the Sainsbury's store will be forced to close.

4.45 Other convenience goods floorspace in the town centre is estimated to have a 2014 turnover of £16.66 million. The residual turnover at 2017 with the Sainsbury store and commitments is marginally lower (1.2%) at £16.46 million. It is unlikely this reduction in convenience goods trade will lead to shop closures within the town centre.

4.46 By 2019 the convenience goods turnover of the town centre is expected to increase from £31.41 million to £32.42 million, due to population and expenditure growth. However, the food store commitment within the North Colchester Urban Extension will reduce this turnover to £31.29 million (-3.5%).

4.47 The Priory Walk Sainsbury's store will continue to trade around the company average (+0.7%) in 2019. The residual turnover of other town centre convenience facilities will reduce to £16.62 million, which is only marginally lower than the 2014 turnover (£16.66 million). The longer term convenience goods impact of the Sainsbury's store and the NCUE store is not expected to be significant.

4.48 If the Sainsbury's store is implemented along with the Williams & Griffin improvements commitments then the comparison turnover of existing facilities within Colchester (excluding food stores and retail warehouses) is estimated to decrease from £629.34 million to £605 million in 2017, a cumulative impact of -3.9%. The 2014 comparison turnover is £572.19 million. These figures suggest the cumulative trade diversion will be more than offset by population and expenditure growth.

4.49 The Sainsbury store accounts for about £10 million of this £24 million reduction. The remaining reduction in turnover will be retained within the town centre within the improved Williams & Griffin store, therefore the actual impact on the town centre's overall comparison turnover is only 1.1%. This level of trade diversion is not expected to lead to shop closures within the town centre. The main concern is the potential impact on longer term planned investment.

4.50 The base year (2014) turnover of comparison facilities in Colchester Borough is £770.48 million. Based on Experian projections this turnover should increase to £817.64 million in 2017, allowing for a 2% per annum growth in turnover efficiency. The projected expected benchmark turnover at 2019 would be £850.67 million.

4.51 The residual turnover of these existing facilities, taking into account Williams & Griffin, B&Q and Sainsbury's at 2017 is estimated to be £818.07 million, which is about 6% higher than the base year turnover (£770.48 million). This projected actual turnover is marginally higher than the projected benchmark turnover at 2017 (£817.64 million).

4.52 These projections suggest comparison good trade diversion will be offset by expenditure growth between 2014 and 2017, and would still leave sufficient expenditure growth to allow a 2% growth in turnover efficiency.

4.53 In the short term the Sainsbury proposal is unlikely to lead to a decrease in the number of comparison shops within the town centre or delay or prevent the implementation of the Williams and Griffin department store improvements. However there will be less theoretical comparison goods expenditure capacity to support the reoccupation of vacant shop units within the town centre.

4.54 By 2019 the residual turnover of existing comparison facilities is expected to increase to £864.16 million, compared with the base year turnover of £770.48

million. As indicated above, the projected benchmark turnover allowing for a 2% per annum increase in turnover efficiency is £850.67 million in 2019. These projections suggest surplus comparison expenditure available to support new comparison goods retail floorspace in Colchester Borough at 2019 could be about £13.5 million, taking into account Sainsbury's proposals and the North Colchester UE.

4.55 Previous Vineyard Gate proposals were expected to provide around 9,000 sq.m net of comparison sales floorspace, with a turnover of around £63 million. One would expect some of this £63 million turnover will be attracted from competing centres rather than Colchester. Nevertheless, the projections suggest there is insufficient expenditure capacity to support this level of comparison sales floorspace by 2019. The maximum theoretical expenditure deficit at 2019 would be £49.50 million, which represents about 5% of total expenditure available in the Borough at 2019, or around two years growth in expenditure.

4.56 As indicated in Section 3 the timing of the Vineyard Gate development proposals is unclear. Even if planning permission was secured in 2014, the development would not be completed until 2017 and would not achieve full and settled trading levels until 2019. A two year delay for completion in 2019 and full trading at 2021, would not necessarily jeopardise this development, particularly if the Vineyard Gate developers have not objected to the Sainsbury's store planning application and the amount of comparison sales floorspace proposed.

4.57 IPL (letter dated 24th July 2014) suggested that the combined impact estimate of convenience and comparison goods trade diversion, in addition to the separate figures would be instructive for the Council.

4.58 The figures shown in IPL's table are mathematically correct. They show the town centre's overall turnover will increase from £605.28 million in 2014 to £688.60 million in 2019, taking into account commitments, an increase of 13.8%. However it should be noted that the increase in turnover also includes the turnover of the William and Griffin commitment. The implications for existing comparison businesses in the town centre needs to be considered. If this commitment is excluded then the increase in comparison goods turnover for existing businesses will be 11.7% rather than 14.9%. This does not affect the overall conclusions.

Implications for Greenstead Road UDC

4.59 Technically the Tesco store on Greenstead Road is a designated urban district centre, although it is a standalone store.

4.60 If the Sainsbury's store is implemented along with commitments then the convenience turnover of the Tesco store will decrease from £44.79 million to £32.22 million in 2017, a cumulative impact of -28.1%.

4.61 The company average benchmark turnover of the Tesco store is £33.24 million. The residual turnover (£32.22 million) in 2017 is only slightly lower (-3.1%). The Tesco store is not expected to close despite the significant level of trade diversion.

4.62 MRPP letter dated 24th July 2014, also implies that the Tesco store will not close, but claims the level of trade diversion represents a significant adverse impact that warrants refusals of the proposed Sainsbury's food store. NLP does not accept MRPP's assertion that "*significant trade diversion*" must mean "*significant adverse impact*" as set out in the NPPF. MRPP's claim (letter dated 12th September 2014) that NLP has "*identified that impact on Greenstead Road UDC will be significant*" is inaccurate.

4.63 NLP agrees the significance of adverse impact will relate to the role and function of the location, which goes beyond the quantification of trade diversion. MRPP claims the erosion of trade from the Tesco store at Greenstead Road "*dilutes how an actively trading superstore meets consumer requirements in an effective and sustainable way, then there must be a significant adverse impact arising.*" Unfortunately MRPP does not explain how the store will no longer meet consumer's requirements due to the reduction in trade.

4.64 If the reduction in trade does not result in the closure of the Tesco store, then we fail to see how this will result in an impact on local consumer choice or a dilution in Tesco's offer/role. Tesco is unlikely to reduce the store's sales area or sell a reduced number of products. If anything Tesco will improve their store to counter the increased competition from Sainsbury's. Competition is generally good for customers.

4.65 NLP agrees with IPL that the appeal decisions relating to store closures referred to by MRPP (letter dated 12th September 2014) are very different to the circumstances in Colchester and therefore provide limited if any relevant guidance.

4.66 The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.

4.67 MRPP does not identify any planned investment e.g. proposed improvements to the Tesco store that would be jeopardised by the implementation Sainsbury's store.

4.68 In our view there is no significant adverse impact on Greenstead Road urban district centre.

Garrison Local Centre

4.69 MRPP criticises NLP and IPL for not assessing the potential impact on planned investment, specifically relating to proposals to provide the Garrison Local centre at Butt Road.

4.70 This is not correct. NLP has assessed the impact of the Sainsbury's food store on the Tesco Garrison Local Centre. Trade diversion is estimated to be £0.39 million and an impact of only 3%. This level of trade diversion will not harm planned investment or the new local centre.

5.0

Conclusions

The Sequential Approach

5.1 The applicant appears to concede that a large food store can physically be accommodated on either the Vineyard Gate or Cowdray Centre sites.

5.2 Based on the evidence provided by the applicant, these two sites have not been adequately discounted on viability and/or suitability grounds. The Council needs to first consider, the suitability of a large food superstore of the size proposed by Sainsbury's on both sites. As indicated in NLP's previous advice it may be difficult to sustain a sequential ground for refusal if the landowner/developers of these two sites have not objected to the Sainsbury's store planning application or stated their willingness to accommodate a large food store on their sites.

5.3 If the Council considers a large food store of the size proposed by Sainsbury's could be suitable on either of these two sites then the availability and timing of delivery needs to be considered. Recent legal/Secretary of State decisions suggest these sites would need to be brought forward quickly to match Sainsbury's programme to deliver a store by 2017 on the application site. If this timetable is considered feasible, then the Council should liaise with the developer(s) to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use.

5.4 Subject to one of the sites being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate the opportunities are unviable.

5.5 Based on the information available NLP has reservations about the suitability and availability of the Vineyard Gate site for the size of food store proposed by Sainsbury's. More information is required regarding the suitability and likely timetable for delivery at the Cowdray Centre.

Retail Impact

5.6 MRPP has raised concerns regarding IPL's retail impact figures. These concerns have been considered by NLP. In order to address NLP's own concerns reading IPL's figure, NLP has undertaken its own impact assessment.

5.7 The NPPF (paragraph 27) states that if the adverse impacts of a proposal are significant then it should be refused. NPPF (paragraph 14) also indicates there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts would significantly and demonstrably out-weigh the benefits of the development.

5.8 The average impact on convenience goods facilities in Colchester town centre is -9.7% in 2017, primarily focused on the Priory Walk Sainsbury's store. There

is no evidence to suggest the Sainsbury's store will be forced to close. It is unlikely the reduction in convenience goods trade will lead to other shop closures within the town centre. The longer term convenience goods impact of the Sainsbury's store and the NCUE store is not expected to be significant.

5.9 The comparison turnover of existing facilities within Colchester is estimated to decrease by -3.9% in 2017. This reduction will be offset by population and expenditure growth between 2014 to 2017 and this level of trade diversion is not expected to lead to shop closures within the town centre. The main concern is the potential impact on longer term planned investment.

5.10 The 2019 projections suggest there is insufficient comparison goods expenditure capacity to support the level of comparison sales floorspace proposed as suggested by previous Vineyard Gate proposals. The maximum theoretical expenditure deficit at 2019 could be £49.50 million, about 5% of total expenditure available in the Borough at 2019, or around two year's growth in expenditure.

5.11 A two year delay would not necessarily jeopardise the Vineyard Gate development, particularly if the Vineyard Gate developers have not objected to the Sainsbury's store planning application and the amount of comparison sales floorspace proposed.

5.12 The Tesco store at Greenstead Road is not expected to close despite the significant level of trade diversions. Significant trade diversion does not necessarily equate to a significant adverse impact in terms of the NPPF tests. This will depend on specific circumstances. In this case there will be no impact on local consumer choice or a dilution in Tesco's offer/role. The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.

5.13 NLP has assessed the impact of the Sainsbury's food store on the Tesco Garrison Local Centre. Trade diversion is estimated to be £0.39 million and an impact of only 3%. This level of trade diversion will not harm planned investment or the new local centre.

Appendix 1 Convenience Goods Impact

Table 1: Population Projections

Zone Area	2011	2014	2017	2019
Zone 1 - Colchester	128,066	134,410	140,390	144,079
Zone 2 - Colchester Rural North	34,115	34,592	35,168	35,620
Zone 3 - Colchester Rural South	44,088	45,991	47,883	49,131
Zone 4 - Clacton	65,317	67,877	70,526	72,353
Zone 5 - Frinton/Harwich	43,959	45,682	47,465	48,694
Zone 6 - Tiptree/Kelvedon	15,990	16,444	16,882	17,179
Zone 7 - Halstead	21,054	21,226	21,435	21,580
Zone 8 - Coggeshall	19,127	19,454	19,773	19,996
Zone 9 - Braintree	62,715	62,762	62,750	62,694
Total	434,431	448,438	462,271	471,326

Sources: Experian MMG3

Population in Zone 6 to 9 sourced from Braintree Retail Study Update 2012, based on Council's projected ward population estimates and housing completions
ONS 2011 sub-national population projections

Table 2: Convenience Goods Expenditure Per Capita (2011 Prices)

Expenditure Per Capita	2014	2017	2019
Zone 1: Colchester	£1,695	£1,709	£1,728
Zone 2 - Colchester Rural North	£1,950	£1,968	£1,989
Zone 3 - Colchester Rural South	£1,876	£1,892	£1,913
Zone 4 - Clacton	£1,794	£1,810	£1,829
Zone 5 - Frinton/Harwich	£1,836	£1,852	£1,872
Zone 6 - Tiptree/Kelvedon	£1,874	£1,890	£1,911
Zone 7 - Halstead	£1,853	£1,869	£1,889
Zone 8 - Coggeshall	£1,912	£1,929	£1,950
Zone 9 - Braintree	£1,831	£1,847	£1,867

Sources:

Experian local estimates for 2011 convenience goods expenditure per capita

(Excluding special forms of trading)

Experian Business Strategies - recommended forecast growth rates October 2013

Table 3: Total Available Convenience Goods Expenditure (£M - 2011 Prices)

Zone	2014	2017	2019
Zone 1: Colchester	£227.83	£239.93	£248.97
Zone 2 - Colchester Rural North	£67.45	£69.21	£70.85
Zone 3 - Colchester Rural South	£86.28	£90.59	£93.99
Zone 4 - Clacton	£121.77	£127.65	£132.33
Zone 5 - Frinton/Harwich	£83.87	£87.90	£91.16
Zone 6 - Tiptree/Kelvedon	£30.82	£31.91	£32.83
Zone 7 - Halstead	£39.33	£40.06	£40.77
Zone 8 - Coggeshall	£37.20	£38.14	£38.99
Zone 9 - Braintree	£114.92	£115.90	£117.05
Total	£809.46	£841.30	£866.93

Sources: Table 1 and Table 2

Table 4: Convenience Shopping Penetration Rates 2012

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow
Asda, Colchester	15.0%	8.4%	4.7%	1.6%	1.4%	3.9%	0.9%	6.4%	0.3%	5.0%
Sainsbury's, Priory Walk, Colchester	4.6%	0.6%	4.6%	0.0%	0.3%	0.5%	0.9%	0.0%	0.0%	5.0%
Other Colchester town centre	5.6%	1.5%	2.1%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
Tesco Extra, Colchester	18.7%	17.0%	7.3%	0.2%	3.0%	0.0%	0.0%	0.4%	0.0%	5.0%
Tesco, Greenstead Road, Colchester	9.4%	0.6%	19.8%	0.0%	0.5%	0.9%	0.0%	2.4%	0.0%	5.0%
Waitrose, Colchester	6.3%	2.7%	7.0%	1.1%	0.6%	0.8%	0.0%	0.8%	0.4%	5.0%
Colchester Other	12.6%	1.0%	6.0%	0.4%	0.3%	0.9%	0.6%	2.1%	0.0%	5.0%
Sainsbury's, Stanway	17.0%	3.3%	8.9%	1.5%	1.7%	18.9%	2.6%	26.3%	1.0%	5.0%
Co-op, Fiveways Retail Park, Stanway	4.6%	0.6%	3.6%	1.1%	0.8%	1.0%	0.0%	0.0%	0.0%	5.0%
Colchester Sub-Total	93.8%	35.7%	64.0%	6.1%	8.6%	26.9%	5.0%	38.4%	1.7%	
Tiptree	0.2%	0.0%	0.6%	0.0%	0.6%	53.2%	0.0%	2.0%	0.0%	5.0%
West Mersea	0.0%	0.0%	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
Wivenhoe	0.0%	0.0%	10.1%	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	5.0%
Other Colchester Borough	4.4%	1.9%	0.8%	0.0%	0.0%	0.0%	0.3%	1.7%	0.0%	5.0%
Other Sub-Total	4.6%	1.9%	16.8%	0.0%	1.1%	53.2%	0.3%	3.7%	0.0%	
Colchester Borough Total	98.4%	37.6%	80.8%	6.1%	9.7%	80.1%	5.3%	42.1%	1.7%	
Elsewhere										
Braintree	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	23.1%	10.9%	67.8%	30.0%
Chelmsford	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.4%	1.6%	99.0%
Clacton	0.5%	1.5%	7.2%	88.6%	18.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Frinton	0.0%	0.0%	0.6%	0.0%	13.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Ipswich	0.5%	18.8%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	95.0%
Sudbury	0.0%	8.7%	0.0%	0.0%	0.0%	18.3%	10.1%	0.0%	0.0%	90.0%
Other Outside Borough	0.4%	33.4%	11.4%	5.3%	58.6%	19.9%	52.4%	36.5%	28.9%	30.0%
Market Share Total		100.0%								

Source: NEMS Household Survey, September 2012 and Braintree Retail Study Update 2012

Table 5: Base Year Convenience Expenditure 2014 £Million

Centre / Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2014	£227.83	£67.45	£86.28	£121.77	£83.87	£30.82	£39.33	£37.20	£114.92	£809.46	
Asda, Colchester	£34.17	£5.67	£4.06	£1.95	£1.17	£1.20	£0.35	£2.38	£0.34	£2.70	£54.00
Sainsbury's, Priory Walk, Colchester	£10.48	£0.40	£3.97	£0.00	£0.25	£0.15	£0.35	£0.00	£0.00	£0.82	£16.43
Other Colchester town centre	£12.76	£1.01	£1.81	£0.24	£0.00	£0.00	£0.00	£0.00	£0.00	£0.83	£16.66
Tesco Extra, Colchester	£42.60	£11.47	£6.30	£0.24	£2.52	£0.00	£0.15	£0.00	£3.33	£66.61	£42.62
Tesco, Greenstead Road, Colchester	£21.42	£0.40	£17.08	£0.00	£0.42	£0.28	£0.00	£0.89	£0.00	£2.13	£26.38
Waitrose, Colchester	£14.35	£1.82	£6.04	£1.34	£0.50	£0.25	£0.00	£0.30	£0.46	£1.32	£38.52
Colchester Other	£28.71	£0.67	£5.18	£0.49	£0.25	£0.28	£0.24	£0.78	£0.00	£1.93	£73.33
Sainsbury's, Stanway	£38.73	£2.23	£7.68	£1.83	£1.43	£5.82	£1.02	£9.78	£1.15	£3.67	£17.17
Co-op, Fiveways Retail Park, Stanway	£10.48	£0.40	£3.11	£1.34	£0.67	£0.31	£0.00	£0.00	£0.00	£0.86	£17.17
Colchester Sub-Total	£213.70	£24.08	£55.22	£7.43	£7.21	£8.29	£1.97	£14.28	£1.95	£17.59	£351.72
Tiptree	£0.46	£0.00	£0.52	£0.00	£0.50	£16.39	£0.00	£0.74	£0.00	£0.98	£19.59
West Mersea	£0.00	£0.00	£4.57	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.81
Wivenhoe	£0.00	£0.00	£8.71	£0.00	£0.42	£0.00	£0.00	£0.00	£0.00	£0.48	£9.61
Other Colchester Borough	£10.02	£1.28	£0.69	£0.00	£0.00	£0.00	£0.12	£0.63	£0.00	£0.67	£13.42
Other Sub-Total	£10.02	£1.28	£14.50	£0.00	£0.92	£16.39	£0.12	£1.38	£0.00	£2.37	£47.44
Colchester Borough Total	£223.72	£25.36	£69.71	£7.43	£8.14	£24.68	£2.08	£15.66	£1.95	£19.96	£399.16
Elsewhere											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.09	£4.05	£77.91	£39.02	£130.08
Chelmsford	£0.46	£0.00	£0.00	£0.00	£0.00	£0.35	£0.15	£1.84	£276.91	£279.71	£138.44
Clacton	£1.14	£1.01	£6.21	£107.89	£15.26	£0.00	£0.00	£6.92	£0.00	£0.61	£12.20
Frinton	£0.00	£0.00	£0.52	£0.00	£11.07	£0.00	£0.00	£0.00	£267.37	£281.44	£168.23
Ipswich	£1.14	£12.68	£0.00	£0.25	£0.00	£0.00	£7.20	£3.76	£151.41	£69.60	£232.01
Sudbury	£0.00	£5.87	£0.00	£6.45	£49.15	£6.13	£20.61	£13.58	£33.21	£69.60	£232.01
Other Outside Borough	£0.91	£22.53	£9.84	£121.77	£83.87	£30.82	£39.33	£37.20	£114.92	£831.80	£1,641.27
Total	£227.37	£67.45	£86.28	£121.77	£83.87	£30.82	£39.33	£37.20	£114.92	£831.80	£1,641.27

Table 6: Design Year Convenience Expenditure 2017 £Million - No Development

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£841.30	
Asda, Colchester	£35.99	£5.81	£4.26	£2.04	£1.23	£0.36	£2.44	£0.35	£2.83	£56.56	
Sainsbury's, Priory Walk, Colchester	£11.04	£0.42	£4.17	£0.00	£0.26	£0.16	£0.36	£0.00	£0.86	£17.27	
Other Colchester town centre	£13.44	£1.04	£1.90	£0.26	£0.00	£0.00	£0.00	£0.00	£0.88	£17.51	
Tesco Extra, Colchester	£44.87	£11.77	£6.61	£0.26	£2.64	£0.00	£0.15	£0.00	£3.49	£69.78	
Tesco, Greenstead Road, Colchester	£22.55	£0.42	£17.94	£0.00	£0.44	£0.29	£0.00	£0.92	£0.00	£2.24	
Waitrose, Colchester	£15.12	£1.87	£6.34	£1.40	£0.53	£0.26	£0.00	£0.31	£0.46	£1.38	
Colchester Other	£30.23	£0.69	£5.44	£0.51	£0.26	£0.29	£0.24	£0.80	£0.00	£2.02	
Sainsbury's, Stanway	£40.79	£2.28	£8.06	£1.91	£1.49	£6.03	£1.04	£10.03	£1.16	£40.49	
Co-op, Fiveways Retail Park, Stanway	£11.04	£0.42	£3.26	£1.40	£0.70	£0.32	£0.00	£0.00	£0.90	£76.64	
Colchester Sub-Total	£225.05	£24.71	£57.98	£7.79	£7.56	£8.58	£2.00	£14.65	£1.97	£18.44	£368.73
Tiptree	£0.48	£0.00	£0.54	£0.00	£0.53	£16.98	£0.00	£0.76	£0.00	£1.02	£20.30
West Mersea	£0.00	£0.00	£4.80	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£5.05	£5.05
Wivenhoe	£0.00	£0.00	£9.15	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.25	£0.25
Other Colchester Borough	£10.56	£1.31	£0.72	£0.00	£0.00	£0.00	£0.12	£0.65	£0.00	£0.50	£10.09
Other Sub-Total	£11.04	£1.31	£15.22	£0.00	£0.97	£16.98	£0.12	£1.41	£0.00	£2.48	£49.52
Colchester Borough Total	£236.09	£26.02	£73.20	£7.79	£8.53	£25.56	£2.12	£16.06	£1.97	£20.91	£418.25
Elsewhere											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.16	£78.58	£39.42	£131.42	
Chelmsford	£0.48	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.89	£284.74	
Clacton	£1.20	£1.04	£6.52	£113.10	£16.00	£0.00	£0.00	£0.00	£7.26	£145.11	
Frinton	£0.00	£0.00	£0.54	£0.00	£11.60	£0.00	£0.00	£0.00	£0.64	£12.79	
Ipswich	£1.20	£13.01	£0.00	£0.00	£0.26	£0.00	£0.00	£0.00	£275.02	£289.50	
Sudbury	£0.00	£6.02	£0.00	£0.00	£0.00	£7.33	£3.85	£0.00	£154.84	£172.05	
Other Outside Borough	£0.96	£23.12	£10.33	£6.77	£51.51	£6.35	£20.99	£13.92	£33.49	£71.76	£239.20
Total	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£830.83	£1,693.04

Table 7: Trade Draw of Food Store Commitments at 2017 £Million

% Trade Draw	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Tesco Garrison Local Centre	65%	0%	20%	0%	0%	5%	0%	5%	0%	5%	100%
Tesco Express Blackheath	70%	0%	25%	0%	0%	0%	0%	0%	0%	5%	100%
Gosbecks Road Neighbourhood Store	50%	0%	35%	0%	0%	5%	0%	5%	0%	5%	100%
£M Trade Draw											
Tesco Garrison Local Centre	£8.32	£0.00	£2.56	£0.00	£0.00	£0.64	£0.00	£0.64	£0.00	£0.64	£12.80
Tesco Express Blackheath	£1.87	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.67
Gosbecks Road Neighbourhood Store	£7.54	£0.00	£5.28	£0.00	£0.00	£0.75	£0.00	£0.75	£0.00	£0.75	£15.08
Total	£17.73	£0.00	£8.51	£0.00	£0.00	£1.39	£0.00	£1.39	£0.00	£1.53	£30.55

Tesco Garrison store = 1,250 sq.m net at £10,670 per sq.m = £12.80m

Tesco Express Blackheath = 250 sq.m net at £10,670 per sq.m = £2.67m

Gosbeck Road Food store = 1,250 sq.m net at £12,063 per sq.m = £15.08m

Table 8: Design Year Convenience Expenditure 2017 £Million - With Commitments

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£841.30	
Tesco Garrison Local Centre	£8.32	£0.00	£2.56	£0.00	£0.00	£0.64	£0.00	£0.64	£0.00	£0.64	£12.80
Tesco Express Blackheath	£1.87	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.67
Gosbecks Road Neighbourhood Store	£7.54	£0.00	£5.28	£0.00	£0.75	£0.00	£0.75	£0.00	£0.00	£0.75	£15.08
Asda, Colchester	£32.68	£5.81	£3.63	£2.04	£1.23	£0.36	£2.27	£0.35	£2.78	£52.31	
Sainsbury's, Priory Walk, Colchester	£10.53	£0.42	£3.86	£0.00	£0.26	£0.15	£0.36	£0.00	£0.00	£0.86	£16.44
Other Colchester town centre	£13.20	£1.04	£1.85	£0.26	£0.00	£0.00	£0.00	£0.00	£0.00	£0.87	£17.22
Tesco Extra, Colchester	£41.77	£11.77	£5.88	£0.26	£2.64	£0.00	£0.00	£0.14	£0.00	£3.45	£65.90
Tesco, Greenstead Road, Colchester	£20.48	£0.42	£15.29	£0.00	£0.44	£0.27	£0.00	£0.85	£0.00	£2.20	£39.95
Waitrose, Colchester	£14.25	£1.87	£5.76	£1.40	£0.53	£0.24	£0.00	£0.29	£0.46	£1.37	£26.17
Colchester Other	£28.84	£0.69	£5.04	£0.51	£0.26	£0.28	£0.24	£0.77	£0.00	£2.01	£38.64
Sainsbury's, Stanway	£36.10	£2.28	£6.58	£1.91	£1.49	£5.48	£1.04	£9.14	£1.16	£3.75	£68.95
Co-op, Fiveways Retail Park, Stanway	£9.77	£0.42	£2.66	£1.40	£0.70	£0.29	£0.00	£0.00	£0.00	£0.88	£16.13
Colchester Sub-Total	£225.36	£24.71	£59.05	£7.79	£7.56	£9.26	£2.00	£14.86	£1.97	£372.26	
Tiptree	£0.46	£0.00	£0.50	£0.00	£0.53	£16.36	£0.00	£0.74	£0.00	£1.01	£19.59
West Mersea	£0.00	£0.00	£4.62	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.25	£4.88
Wivenhoe	£0.00	£0.00	£8.64	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.50	£9.59
Other Colchester Borough	£10.31	£1.31	£0.70	£0.00	£0.00	£0.12	£0.64	£0.00	£0.00	£0.70	£13.78
Other Sub-Total	£10.77	£1.31	£14.47	£0.00	£0.97	£16.36	£0.12	£1.37	£0.00	£2.46	£47.83
Colchester Borough Total	£236.13	£26.02	£73.52	£7.79	£8.53	£25.62	£2.12	£16.24	£1.97	£22.16	£420.09
Elsewhere											
Brantree	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.12	£78.58	£39.34	£131.30	
Chelmsford	£0.48	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.60	£284.45	
Clacton	£1.19	£1.04	£6.40	£113.10	£16.00	£0.00	£0.00	£0.00	£7.24	£144.97	
Frinton	£0.00	£0.00	£0.53	£0.00	£11.60	£0.00	£0.00	£0.00	£0.64	£12.77	
Ipswich	£1.19	£13.01	£0.00	£0.00	£0.26	£0.00	£0.00	£7.33	£274.46	£288.92	
Sudbury	£0.00	£6.02	£0.00	£0.00	£0.00	£13.80	£3.84	£154.69	£71.61	£238.67	
Other Outside Borough	£0.95	£23.12	£10.14	£6.77	£51.51	£6.29	£20.99	£33.49	£71.61	£238.67	
Total	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£851.75	£1,693.04

Table 9: Trade Draw of Sainsbury's Food Store at 2017 £Million

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
% Trade Draw	50%	5%	20%	5%	5%	0%	5%	0%	0%	5%	100%
£M Trade Draw	£24.37	£2.44	£9.75	£2.44	£2.44	£0.00	£2.44	£0.00	£2.44	£48.73	

Sainsbury's Store = 3,716 sq.m net at £13,115 per sq.m = £48.73m

Table 10: Design Year Convenience Expenditure 2017 £Million - With Commitments and Sainsbury's

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£841.30	
Sainsbury's Lightship Way	£24.37	£2.44	£9.75	£2.44	£2.44	£2.44	£0.00	£2.44	£0.00	£2.44	£48.73
Tesco Garrison Local Centre	£8.07	£0.00	£2.46	£0.00	£0.00	£0.62	£0.00	£0.62	£0.00	£0.64	£12.41
Tesco Express Blackheath	£1.81	£0.00	£0.64	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.59
Gosbecks Road Neighbourhood Store	£7.09	£0.00	£4.86	£0.00	£0.00	£0.71	£0.00	£0.71	£0.00	£0.74	£14.11
Asda, Colchester	£28.76	£5.33	£3.06	£1.81	£1.06	£1.03	£0.36	£1.98	£0.35	£2.71	£46.45
Sainsbury's, Priory Walk, Colchester	£9.58	£0.39	£3.40	£0.00	£0.24	£0.14	£0.36	£0.00	£0.00	£0.84	£14.95
Other Colchester town centre	£12.61	£1.01	£1.74	£0.24	£0.00	£0.00	£0.00	£0.00	£0.00	£0.86	£16.46
Tesco Extra, Colchester	£36.76	£10.78	£4.96	£0.23	£2.28	£0.00	£0.13	£0.00	£0.00	£3.36	£58.48
Tesco, Greenstead Road, Colchester	£16.79	£0.36	£11.68	£0.00	£0.35	£0.22	£0.00	£0.69	£0.00	£2.12	£32.22
Waitrose, Colchester	£12.96	£1.75	£5.08	£1.29	£0.47	£0.22	£0.00	£0.26	£0.46	£1.34	£23.85
Colchester Other	£27.11	£0.66	£4.64	£0.48	£0.25	£0.26	£0.24	£0.72	£0.00	£1.98	£36.35
Sainsbury's, Stanway	£30.68	£2.04	£5.28	£1.65	£1.24	£4.74	£1.04	£7.71	£1.16	£3.63	£59.18
Co-op, Fiveways Retail Park, Stanway	£9.18	£0.40	£2.45	£1.33	£0.66	£0.27	£0.00	£0.00	£0.00	£0.87	£15.16
Colchester Sub-Total	£225.76	£25.16	£60.00	£9.46	£8.98	£10.67	£2.00	£15.26	£1.97	£21.67	£380.94
TipTree	£0.42	£0.00	£0.44	£0.00	£0.47	£15.03	£0.00	£0.67	£0.00	£0.99	£18.02
West Mersea	£0.00	£0.00	£4.44	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.25	£4.69
Wivenhoe	£0.00	£0.00	£8.30	£0.00	£0.42	£0.00	£0.00	£0.00	£0.00	£0.50	£9.23
Other Colchester Borough	£10.00	£1.29	£0.67	£0.00	£0.00	£0.12	£0.62	£0.00	£0.00	£0.70	£13.40
Other Sub-Total	£10.42	£1.29	£13.86	£0.00	£0.90	£15.03	£0.12	£1.28	£0.00	£2.43	£45.34
Colchester Borough Total	£236.18	£26.44	£73.86	£9.46	£9.88	£25.70	£2.12	£16.55	£1.97	£24.11	£426.27
Elsewhere											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.06	£78.58	£39.22	£131.11	
Chelmsford	£0.47	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.15	£283.99	
Clacton	£1.17	£1.03	£6.28	£111.52	£15.73	£0.00	£0.00	£0.00	£7.22	£142.93	
Frinton	£0.00	£0.00	£0.52	£0.00	£11.41	£0.00	£0.00	£0.00	£0.64	£12.56	
Ipswich	£1.17	£12.88	£0.00	£0.00	£0.26	£0.00	£0.00	£0.00	£273.59	£287.89	
Sudbury	£0.00	£5.99	£0.00	£0.00	£0.00	£7.33	£3.81	£0.00	£154.44	£171.57	
Other Outside Borough	£0.93	£22.87	£9.94	£6.67	£50.64	£6.21	£20.99	£13.58	£33.49	£71.39	£236.72
Total	£239.93	£69.21	£90.59	£127.65	£87.90	£31.91	£40.06	£38.14	£115.90	£851.75	£1,693.04

Table 11: Convenience Expenditure 2019 £Million - With Commitments and Sainsbury's

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2019	£248.97	£70.85	£93.99	£132.33	£91.16	£32.83	£40.77	£38.99	£117.05		£866.93
Sainsbury's Lightship Way	£25.28	£2.49	£10.11	£2.53	£2.53	£2.51	£0.00	£2.49	£0.00	£2.52	£50.46
Tesco Garrison Local Centre	£8.37	£0.00	£2.55	£0.00	£0.00	£0.64	£0.00	£0.63	£0.00	£0.64	£12.84
Tesco Express Blackheath	£1.88	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.68
Gosbecks Road Neighbourhood Store	£7.35	£0.00	£5.04	£0.00	£0.00	£0.73	£0.00	£0.72	£0.00	£0.73	£14.58
Asda, Colchester	£29.84	£5.45	£3.17	£1.88	£1.10	£1.06	£0.37	£2.03	£0.35	£2.38	£47.63
Sainsbury's, Priory Walk, Colchester	£9.94	£0.40	£3.53	£0.00	£0.25	£0.15	£0.37	£0.00	£0.00	£0.77	£15.40
Other Colchester town centre	£13.08	£1.03	£1.81	£0.25	£0.00	£0.00	£0.00	£0.00	£0.00	£0.85	£17.02
Tesco Extra, Colchester	£38.14	£11.03	£5.14	£0.24	£2.36	£0.00	£0.00	£0.13	£0.00	£3.00	£60.05
Tesco, Greenstead Road, Colchester	£17.42	£0.37	£12.12	£0.00	£0.36	£0.23	£0.00	£0.71	£0.00	£1.64	£32.85
Waitrose, Colchester	£13.45	£1.79	£5.27	£1.33	£0.49	£0.23	£0.00	£0.27	£0.47	£1.23	£24.53
Colchester Other	£28.13	£0.68	£4.81	£0.50	£0.25	£0.27	£0.24	£0.74	£0.00	£1.88	£37.51
Sainsbury's, Stanway	£31.84	£2.09	£5.48	£1.71	£1.29	£4.88	£1.06	£7.88	£1.17	£3.02	£60.42
Co-op, Fiveways Retail Park, Stanway	£9.53	£0.41	£2.54	£1.37	£0.68	£0.28	£0.00	£0.00	£0.00	£0.78	£15.59
Colchester Sub-Total	£234.27	£25.75	£62.24	£9.81	£10.98	£2.04	£15.60	£1.99	£19.58	£391.57	
TipTree	£0.43	£0.00	£0.46	£0.00	£0.49	£15.47	£0.00	£0.68	£0.00	£0.92	£18.45
West Mersea	£0.00	£0.00	£4.61	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.85
Wivenhoe	£0.00	£0.00	£8.61	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.48	£9.53
Other Colchester Borough	£10.38	£1.32	£0.70	£0.00	£0.00	£0.12	£0.63	£0.00	£0.00	£0.69	£13.84
Other Sub-Total	£10.81	£1.32	£14.38	£0.00	£0.93	£15.47	£0.12	£1.31	£0.00	£2.33	£46.68
Colchester Borough Total	£245.08	£27.07	£76.62	£9.81	£10.24	£26.44	£2.16	£16.92	£1.99	£21.91	£438.25
Elsewhere											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.42	£4.15	£79.36	£40.41	£133.34	
Chelmsford	£0.49	£0.00	£0.00	£0.00	£0.00	£0.37	£0.15	£1.87	£289.72	£292.60	
Clacton	£1.21	£1.05	£6.51	£115.61	£16.31	£0.00	£0.00	£0.00	£7.44	£148.13	
Frinton	£0.00	£0.00	£0.54	£0.00	£11.83	£0.00	£0.00	£0.00	£0.00	£0.66	£13.03
Ipswich	£1.21	£13.18	£0.00	£0.00	£0.27	£0.00	£0.00	£0.00	£281.92	£296.58	
Sudbury	£0.00	£6.13	£0.00	£0.00	£0.00	£7.46	£3.89	£0.00	£159.15	£176.63	
Other Outside Borough	£0.97	£23.42	£10.31	£6.92	£52.51	£6.39	£21.36	£13.89	£33.83	£73.56	£243.14
Total	£248.97	£70.85	£93.99	£132.33	£91.16	£32.83	£40.77	£38.99	£117.05	£1741.70	

Table 12: Trade Draw of Food Store North Colchester Urban Extension at 2019 £Million

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
% Trade Draw	50%	15%	10%	5%	0%	5%	5%	5%	0%	5%	100%
£M Trade Draw	£14.57	£4.37	£2.91	£1.46	£0.00	£1.46	£1.46	£0.00	£1.46	£1.46	£29.14

Food store = 2,416 sq.m net at £12,063 per sq.m = £29.14m

Table 13: Convenience Expenditure 2019 £Million - With Commitments, Sainsbury's and Food store at North Colchester Urban Extension

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2019	£248.97	£70.85	£93.99	£132.33	£91.16	£32.83	£40.77	£38.99	£117.05		£866.93
North Colchester Food Store	£14.57	£4.37	£2.91	£1.46	£0.00	£1.46	£1.46	£1.46	£0.00	£1.46	£29.14
Sainsbury's Lightship Way	£23.66	£2.20	£9.60	£2.32	£2.53	£2.31	£0.00	£2.29	£0.00	£2.49	£47.41
Tesco Garrison Local Centre	£8.24	£0.00	£2.52	£0.00	£0.00	£0.63	£0.00	£0.62	£0.00	£0.64	£12.65
Tesco Express Blackheath	£1.85	£0.00	£0.66	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.64
Gosbecks Road Neighbourhood Store	£7.18	£0.00	£4.95	£0.00	£0.00	£0.71	£0.00	£0.70	£0.00	£0.73	£14.27
Asda, Colchester	£26.97	£4.50	£2.93	£1.65	£1.10	£0.94	£0.24	£1.79	£0.35	£2.33	£42.80
Sainsbury's, Priory Walk, Colchester	£9.46	£0.36	£3.40	£0.00	£0.25	£0.14	£0.30	£0.00	£0.00	£0.76	£14.67
Other Colchester town centre	£12.77	£0.98	£1.77	£0.25	£0.00	£0.00	£0.00	£0.00	£0.00	£0.85	£16.62
Tesco Extra, Colchester	£34.48	£9.11	£4.75	£0.21	£2.36	£0.00	£0.00	£0.11	£0.00	£2.94	£53.96
Tesco, Greenstead Road, Colchester	£16.31	£0.33	£11.51	£0.00	£0.36	£0.21	£0.00	£0.65	£0.00	£1.62	£30.99
Waitrose, Colchester	£12.81	£1.64	£5.07	£1.25	£0.49	£0.22	£0.00	£0.25	£0.47	£1.21	£23.41
Colchester Other	£27.23	£0.64	£4.69	£0.48	£0.25	£0.26	£0.22	£0.71	£0.00	£1.86	£36.34
Sainsbury's, Stanway	£29.80	£1.85	£5.20	£1.57	£1.29	£4.50	£0.82	£7.26	£1.17	£2.98	£56.43
Co-op, Fiveways Retail Park, Stanway	£9.15	£0.38	£2.46	£1.30	£0.68	£0.27	£0.00	£0.00	£0.00	£0.77	£15.01
Colchester Sub-Total	£234.47	£26.37	£62.43	£10.48	£9.31	£11.64	£3.04	£15.84	£1.99	£20.75	£396.33
Tiptree	£0.42	£0.00	£0.45	£0.00	£0.49	£14.87	£0.00	£0.65	£0.00	£0.92	£17.79
West Mersea	£0.00	£0.00	£4.58	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.82
Wivenhoe	£0.00	£0.00	£8.56	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.48	£9.48
Other Colchester Borough	£10.22	£1.28	£0.69	£0.00	£0.00	£0.12	£0.62	£0.00	£0.69	£13.60	£13.60
Other Sub-Total	£10.63	£1.28	£14.28	£0.00	£0.93	£14.87	£0.12	£1.27	£0.00	£2.32	£45.70
Colchester Borough Total	£245.11	£27.65	£76.71	£10.48	£10.24	£26.50	£3.15	£17.12	£1.99	£23.08	£442.03
Elsewhere											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£9.15	£4.11	£79.36	£40.34	£132.95	
Chelmsford	£0.49	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.87	£289.45	£292.33	
Clacton	£1.21	£1.04	£6.49	£115.01	£16.31	£0.00	£0.00	£0.00	£7.43	£147.49	
Frinton	£0.00	£0.00	£0.54	£0.00	£11.83	£0.00	£0.00	£0.00	£0.65	£13.02	
Ipswich	£1.20	£12.99	£0.00	£0.27	£0.00	£0.00	£7.35	£3.87	£0.00	£281.40	£295.86
Sudbury	£0.00	£6.09	£0.00	£0.00	£0.00	£6.32	£20.75	£33.83	£159.00	£176.31	
Other Outside Borough	£0.96	£23.08	£10.25	£6.84	£52.51	£6.32	£13.75	£73.42	£73.42	£241.71	
Total	£248.97	£70.85	£93.99	£132.33	£91.16	£32.83	£40.77	£38.99	£117.05	£1.741.70	

Table 14: Convenience Floorspace and Benchmark Turnover

Town/Store	Sales Floorspace sq.m net	Convenience Sales %	Convenience sq.m net	Turnover Density £ per sq.m net	Total Turnover £Million
Asda, Colchester	5,216	65%	3,390	£12,922	£43.81
Aldi, Magdalen Street Colchester	1,305	60%	783	£7,815	£6.12
Aldi, London Road Colchester	1,614	95%	1,533	£7,815	£11.98
Co-op, Abbotts Road, Colchester	1,239	80%	991	£7,378	£7.31
Co-op, Nayland Road, Mile End, Colchester	127	95%	121	£7,378	£0.89
Co-op, Mersea Road, Colchester	641	85%	545	£7,378	£4.02
Co-op, Old Heath Road, Colchester	240	95%	228	£7,378	£1.68
Co-op, Regent Street, Rowhedge, Colchester	109	95%	104	£7,378	£0.76
Co-op, The Centre, Greenstead Estate, Colchester	552	90%	497	£7,378	£3.67
Co-op, The Square, Shrub End, Colchester	176	95%	167	£7,378	£1.23
Co-op, Old Heath Road, Colchester	239	95%	227	£7,378	£1.68
Co-op, Wimpole Road Colchester	279	80%	223	£7,378	£1.65
Co-op, Harwich Road, Colchester	100	98%	98	£7,378	£0.72
Iceland, St John's Walk, Colchester	432	95%	410	£7,025	£2.88
Iceland, Turner Rise, Colchester	487	95%	463	£7,025	£3.25
Marks & Spencer, Colchester	1,059	100%	1,059	£10,837	£11.48
Sainsbury's, Priory Walk, Colchester	1,235	90%	1,112	£13,115	£14.58
Tesco, Greenstead Road, Colchester	5,192	60%	3,115	£10,670	£33.24
Tesco Extra, Colchester	6,241	60%	3,745	£10,670	£39.95
Tesco Express, Crouch Street	315	95%	299	£10,670	£3.19
Tesco Express, Bromley Road	130	95%	124	£10,670	£1.32
Tesco Express, Magdalen Street	250	95%	238	£10,670	£2.53
Tesco Express, St Christopher Road	192	95%	182	£10,670	£1.95
Waitrose, Colchester	2,209	75%	1,657	£11,426	£18.93
Small Convenience shops	3,200	99%	3,168	£4,500	£14.26
Colchester Total	32,779		24,473		£233.08
Co-op, Fiveways Retail Park, Stanway, Colchester	3,901	75%	2,926	£7,378	£21.59
Sainsbury's, Stanway, Colchester	9,027	60%	5,416	£13,115	£17.03
Iceland, Tollgate Centre, Colchester	439	95%	411	£7,265	£3.03
Stanway Total	13,367		8,759		£95.65
Asda, Tiptree	1,115	85%	948	£12,922	£12.25
Tesco, Tiptree	1,697	85%	1,442	£10,670	£15.39
Local Shops	320	99%	317	£4,500	£1.43
Tiptree Total	3,132		2,707		£29.06
Co-op, Barfield Road, West Mersea	855	90%	770	£7,378	£5.68
Tesco Express, West Mersea	280	90%	204	£10,670	£2.18
Local Shops	202	99%	200	£4,500	£0.90
West Mersea Total	1,337		1,173		£8.75
Co-op, The Avenue, Wivenhoe	628	85%	534	£7,378	£3.94
Local Shops	108	99%	107	£4,500	£0.48
Wivenhoe Total	736		641		£4.42
GRAND TOTAL	51,351		37,753		£370.97

Sources: Institute of Grocery Distribution, Verdict, VOA and Goad Plans

Table 15: Summary of Convenience Goods Impacts at 2017 (£ millions)

Centre/Facilities	Base Year 2014	Design Year (no stores) 2017	Design Year (commitments) 2017	% Impact (commitments) 2017	Design Year (Sainsbury's) 2017	% Impact Cumulative 2017	Benchmark Average Turnover	% Trading Above/Below Benchmark
Sainsbury's Lightship Way	n/a	n/a	n/a	n/a	£48.73	n/a	£48.73	0.0%
Tesco Garrison Local Centre	n/a	n/a	n/a	n/a	£12.41	n/a	£12.08	2.7%
Tesco Express Blackheath	n/a	n/a	n/a	n/a	£2.59	n/a	£2.67	-3.1%
Gosbecks Road Neighbourhood Store	n/a	n/a	n/a	n/a	£14.11	n/a	£15.08	-6.4%
Asda, Colchester	£54.00	£56.56	£52.31	-7.5%	£46.45	-17.9%	£43.81	6.0%
Sainsbury's, Priory Walk, Colchester	£16.43	£17.27	£16.44	-4.8%	£14.95	-13.4%	£14.58	2.6%
Other Colchester town centre	£16.66	£17.51	£17.22	-1.6%	£16.46	-6.0%	£17.55	-6.2%
Tesco Extra, Colchester	£66.61	£69.78	£65.90	-5.6%	£58.48	-16.2%	£39.95	46.4%
Tesco, Greenstead Road, Colchester	£42.62	£44.79	£39.95	-10.8%	£32.22	-28.1%	£33.24	-3.1%
Waitrose, Colchester	£26.38	£27.66	£26.17	-5.4%	£23.85	-13.8%	£18.93	26.0%
Co-op, Fiveways Retail Park, Stanway	£38.52	£40.49	£38.64	-4.6%	£36.35	-10.2%	£68.05	-46.6%
Sainsbury's, Stanway	£73.33	£76.64	£68.95	-10.0%	£59.18	-22.8%	£71.03	-16.7%
Co-op, Fiveways Retail Park, Stanway	£17.17	£18.04	£16.13	-10.6%	£15.16	-16.0%	£21.59	-29.8%
Colchester Sub-Total	£351.72	£368.73	£372.26		£380.94		£407.29	
TipTree	£19.59	£20.30	£19.59	-3.5%	£18.02	-11.2%	£29.06	-38.0%
West Mersea	£4.81	£5.05	£4.88	-3.5%	£4.69	-7.2%	£8.75	-46.4%
Wivenhoe	£9.61	£10.09	£9.59	-5.0%	£9.23	-8.6%	£4.42	108.8%
Other Colchester Borough	£13.42	£14.07	£13.78	-2.0%	£13.40	-4.8%	n/a	n/a
Other Sub-Total	£27.85	£29.22	£28.25		£27.32		£13.17	
Colchester Borough Total	£379.57	£397.94	£400.51		£408.25		£420.47	
Elsewhere								
Brantree	£130.08	£131.42	£131.30	-0.1%	£131.11	-0.2%	n/a	n/a
Chelmsford	£279.71	£284.74	£284.45	-0.1%	£283.99	-0.3%	n/a	n/a
Clacton	£138.44	£145.11	£144.97	-0.1%	£142.93	-1.5%	n/a	n/a
Frinton	£12.20	£12.79	£12.77	-0.1%	£12.56	-1.7%	n/a	n/a
Ipswich	£281.44	£289.50	£288.92	-0.2%	£287.89	-0.6%	n/a	n/a
Sudbury	£168.23	£172.05	£171.87	-0.1%	£171.57	-0.3%	n/a	n/a
Other Outside Borough	£232.01	£239.20	£238.67	-0.2%	£236.72	-1.0%	n/a	n/a
Total	£1,621.67	£1,672.74	£1,673.46		£1,675.02			

Table 16: Summary of Convenience Goods Impacts at 2019 (£ millions)

Centre/Facilities	Base Year 2014	Horizon Year (without NCUE) 2019	Horizon Year (with NCUE) 2019	% Impact (NCUE) 2019	% Impact Cumulative 2014 trading	Benchmark Average Turnover	% Trading Above/Below Benchmark
North Colchester Food Store	n/a	n/a	£29.14	n/a	n/a	£29.14	n/a
Sainsbury's Lightship Way	n/a	£50.46	£47.41	n/a	n/a	£48.73	-2.7%
Tesco Garrison Local Centre	n/a	£12.84	£12.65	n/a	n/a	£12.08	4.7%
Tesco Express Blackheath	n/a	£2.68	£2.64	n/a	n/a	£2.67	-1.1%
Gosbecks Road Neighbourhood Store	n/a	£14.58	£14.27	n/a	n/a	£15.08	-5.4%
Asda, Colchester	£54.00	£47.63	£42.80	-10.1%	-20.7%	£43.81	-2.3%
Sainsbury's, Priory Walk, Colchester	£16.43	£15.40	£14.67	-4.7%	-10.7%	£14.58	0.7%
Other Colchester town centre	£16.66	£17.02	£16.62	-2.4%	-0.2%	£17.55	-5.3%
Tesco Extra, Colchester	£66.61	£60.05	£53.96	-10.1%	-19.0%	£39.95	35.1%
Tesco, Greenstead Road, Colchester	£42.62	£32.85	£30.99	-5.7%	-27.3%	£33.24	-6.8%
Waitrose, Colchester	£26.38	£24.53	£23.41	-4.6%	-11.3%	£18.93	23.6%
Colchester Other	£38.52	£37.51	£36.34	-3.1%	-5.6%	£68.05	-46.6%
Sainsbury's, Stanway	£73.33	£60.42	£56.43	-6.6%	-23.1%	£71.03	-20.6%
Co-op, Fiveways Retail Park, Stanway	£17.17	£15.59	£15.01	-3.7%	-12.6%	£21.59	-30.5%
Colchester Sub-Total	£351.72	£391.57	£396.33			£436.43	
Tiptree	£19.59	£18.45	£17.79	-3.6%	-9.2%	£29.06	-38.8%
West Mersea	£4.81	£4.85	£4.82	-0.6%	0.2%	£8.75	-44.9%
Wivenhoe	£9.61	£9.53	£9.48	-0.6%	-1.4%	£4.42	114.4%
Other Colchester Borough	£13.42	£13.84	£13.60	-1.7%	1.4%	n/a	n/a
Other Sub-Total	£27.85	£28.22	£27.90			£13.17	
Colchester Borough Total	£379.57	£419.80	£424.23			£449.61	
Elsewhere							
Braintree	£130.08	£133.34	£132.95	-0.3%	2.2%	n/a	n/a
Chelmsford	£279.71	£292.60	£292.33	-0.1%	4.5%	n/a	n/a
Clacton	£138.44	£148.13	£147.49	-0.4%	6.5%	n/a	n/a
Frinton	£12.20	£13.03	£13.02	0.0%	6.7%	n/a	n/a
Ipswich	£281.44	£296.58	£295.86	-0.2%	5.1%	n/a	n/a
Sudbury	£168.23	£176.63	£176.31	-0.2%	4.8%	n/a	n/a
Other Outside Borough	£232.01	£243.14	£241.71	-0.6%	4.2%	n/a	n/a
Total	£1,621.67	£1,723.24	£1,723.90				

Appendix 2 Comparison Goods Impact

Table 1: Comparison Goods Expenditure Per Capita (2011 Prices)

Expenditure Per Capita	2014	2017	2019
Zone 1: Colchester	£2,729	£2,896	£3,021
Zone 2 - Colchester Rural North	£3,180	£3,375	£3,520
Zone 3 - Colchester Rural South	£3,051	£3,238	£3,377
Zone 4 - Clacton	£2,441	£2,591	£2,702
Zone 5 - Frinton/Harwich	£2,682	£2,846	£2,963
Zone 6 - Tiptree/Kelvedon	£3,192	£3,388	£3,533
Zone 7 - Halstead	£2,963	£3,145	£3,279
Zone 8 - Coggeshall	£3,246	£3,445	£3,592
Zone 9 - Braintree	£3,062	£3,250	£3,389

Sources:

Experian local estimates for 2011 comparison goods expenditure per capita

(Excluding special forms of trading)

Experian Business Strategies - recommended forecast growth rates October 2013

Table 2: Total Available Comparison Goods Expenditure (£M - 2011 Prices)

Zone	2014	2017	2019	Growth 2014-2017	Growth 2014-2019
Zone 1: Colchester	£366.81	£406.57	£435.26	10.8%	18.7%
Zone 2 - Colchester Rural North	£110.00	£118.69	£125.38	7.9%	14.0%
Zone 3 - Colchester Rural South	£140.32	£155.05	£165.91	10.5%	18.2%
Zone 4 - Clacton	£165.69	£182.73	£195.50	10.3%	18.0%
Zone 5 - Frinton/Harwich	£122.52	£135.08	£144.28	10.3%	17.8%
Zone 6 - Tiptree/Kelvedon	£52.49	£57.20	£60.69	9.0%	15.6%
Zone 7 - Halstead	£62.89	£67.41	£70.76	7.2%	12.5%
Zone 8 - Coggeshall	£63.15	£68.12	£71.83	7.9%	13.7%
Zone 9 - Braintree	£192.18	£203.94	£212.47	6.1%	10.6%
Total	£1,276.04	£1,394.79	£1,482.09	9.3%	16.1%

Sources: Table 1 Appendix 1 and Table 1 Appendix 2

Table 3: Comparison Shopping Penetration Rates 2012

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow
Colchester	61.6%	42.6%	60.7%	27.6%	49.9%	50.2%	26.1%	39.6%	5.7%	5.0%
Colchester food stores	4.6%	0.3%	2.3%	0.1%	1.0%	0.5%	0.1%	1.0%	0.0%	5.0%
B&Q Colchester	4.0%	1.0%	3.0%	0.2%	2.0%	0.5%	0.1%	0.5%	0.0%	5.0%
Colchester retail warehouses	17.4%	9.8%	15.4%	4.4%	7.9%	12.9%	6.6%	15.0%	1.4%	5.0%
Tiptree	0.1%	0.0%	0.0%	0.0%	0.0%	5.4%	0.2%	0.2%	0.2%	5.0%
West Mersea	0.0%	0.0%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
Borough Total	87.7%	53.7%	82.7%	32.3%	60.8%	70.0%	33.1%	56.3%	7.3%	
Brantree	1.1%	0.4%	2.0%	0.8%	0.3%	1.1%	12.8%	31.6%	17.5%	30.0%
Chelmsford	1.1%	0.1%	0.9%	0.3%	1.1%	7.7%	2.9%	1.0%	18.7%	95.0%
Clacton	0.5%	2.3%	3.7%	59.9%	12.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Frinton	0.0%	0.0%	1.3%	0.5%	6.9%	0.0%	0.0%	0.0%	0.0%	5.0%
Ipswich	4.3%	27.7%	3.8%	3.8%	4.6%	0.2%	0.3%	0.0%	0.1%	95.0%
Sudbury	0.2%	2.4%	0.0%	0.0%	0.0%	1.5%	9.2%	8.3%	0.1%	90.0%
Other Outside Borough	5.1%	13.4%	5.6%	2.4%	14.1%	7.8%	22.9%	16.9%	10.7%	30.0%
Market Share Total	100.0%									

Source: NEMS Household Survey, September 2012 and Brantree District Council Retail Study Update 2012

Table 4: Base Year Comparison Expenditure 2014 £Million

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2014	£366.81	£110.00	£140.32	£165.69	£122.52	£52.49	£62.89	£63.15	£192.18		£1,276.04
Colchester	£225.95	£46.86	£85.17	£45.73	£61.14	£26.35	£16.41	£25.01	£10.95	£28.61	£572.19
Colchester food stores	£16.87	£0.33	£3.23	£0.17	£1.23	£0.52	£0.06	£0.63	£0.00	£1.21	£24.25
B&Q Colchester	£14.67	£1.10	£4.21	£0.33	£2.45	£0.26	£0.06	£0.32	£0.00	£1.23	£24.64
Colchester retail warehouses	£63.82	£10.78	£21.61	£7.29	£9.68	£6.77	£4.15	£9.47	£2.69	£7.17	£143.44
Tiptree	£0.37	£0.00	£0.00	£0.00	£0.00	£2.83	£0.13	£0.13	£0.38	£0.20	£4.04
West Mersea	£0.00	£0.00	£1.82	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.10	£1.92
Borough Total	£324.69	£59.07	£116.04	£53.52	£74.49	£36.74	£20.82	£35.55	£14.03	£38.52	£770.48
Brantree	£4.03	£0.44	£2.81	£1.33	£0.37	£6.72	£19.87	£11.05	£121.26	£71.95	£239.83
Chelmsford	£4.03	£0.11	£1.26	£0.50	£1.35	£4.04	£1.82	£0.63	£35.94	£944.04	£993.73
Clacton	£1.83	£2.53	£5.19	£99.25	£14.95	£0.00	£0.00	£0.00	£0.00	£6.51	£130.26
Frinton	£0.00	£0.00	£1.82	£0.83	£8.45	£0.00	£0.00	£0.00	£0.00	£0.58	£11.69
Ipswich	£15.77	£30.47	£5.33	£6.30	£5.64	£0.10	£0.19	£0.00	£0.19	£1,215.87	£1,279.86
Sudbury	£0.73	£2.64	£0.00	£0.00	£0.00	£0.79	£5.79	£5.24	£0.19	£138.42	£153.80
Other Outside Borough	£18.71	£14.74	£7.86	£3.98	£17.28	£4.09	£14.40	£10.67	£20.56	£48.12	£160.41
Total	£366.81	£110.00	£140.32	£165.69	£122.52	£52.49	£62.89	£63.15	£192.18		£2,746.34

Table 5: Design Year Comparison Expenditure 2017 £Million - No Development

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£1,394.79
Colchester	£250.45	£50.56	£94.11	£50.43	£67.41	£28.71	£17.59	£26.97	£11.62	£31.47	£629.34
Colchester food stores	£18.70	£0.36	£3.57	£0.18	£1.35	£0.57	£0.07	£0.68	£0.00	£1.34	£26.82
B&Q Colchester	£16.26	£1.19	£4.65	£0.37	£2.70	£0.29	£0.07	£0.34	£0.00	£1.36	£27.22
Colchester retail warehouses	£70.74	£11.63	£23.88	£8.04	£10.67	£7.38	£4.45	£10.22	£2.86	£7.89	£157.75
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.09	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.02	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
Borough Total	£356.56	£63.74	£128.22	£59.02	£82.13	£40.04	£22.31	£38.35	£14.89	£42.38	£847.65
Brantree	£4.47	£0.47	£3.10	£1.46	£0.41	£7.32	£21.30	£11.92	£128.68	£76.78	£255.92
Chelmsford	£4.47	£0.12	£1.40	£0.55	£1.49	£4.40	£1.95	£0.68	£38.14	£1,063.94	
Clacton	£2.03	£2.73	£5.74	£109.46	£16.48	£0.00	£0.00	£0.00	£0.00	£7.18	£143.62
Frinton	£0.00	£0.00	£2.02	£0.91	£9.32	£0.00	£0.00	£0.00	£0.00	£0.64	£12.89
Ipswich	£17.48	£32.88	£5.89	£6.94	£6.21	£0.11	£0.20	£0.00	£0.20	£1,328.66	£1,398.59
Sudbury	£0.81	£2.85	£0.00	£0.00	£0.00	£0.86	£6.20	£5.65	£149.22	£165.79	
Other Outside Borough	£20.74	£15.90	£8.68	£4.39	£19.05	£4.46	£15.44	£11.51	£21.82	£52.28	£174.27
Total	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£2,998.73

Table 6: Design Year Comparison Expenditure 2017 £Million - With William & Griffin Improvements

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£1,394.79
Williams & Griffin	£6.96	£1.41	£2.62	£1.40	£1.87	£0.80	£0.49	£0.75	£0.32	£0.88	£17.50
Colchester	£244.35	£49.42	£91.77	£49.18	£65.69	£28.04	£17.26	£26.38	£11.56	£31.42	£615.07
Colchester food stores	£18.53	£0.35	£3.53	£0.18	£1.34	£0.57	£0.07	£0.68	£0.00	£1.34	£26.59
B&Q Colchester	£16.16	£1.18	£4.62	£0.36	£2.68	£0.28	£0.07	£0.34	£0.00	£1.36	£27.06
Colchester retail warehouses	£70.31	£11.57	£23.73	£7.99	£10.60	£7.34	£4.43	£10.16	£2.85	£7.88	£156.86
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£0.13	£0.14	£0.41	£0.22	£4.39	
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
Borough Total	£356.72	£63.93	£128.29	£59.11	£82.19	£40.11	£22.44	£38.44	£15.13	£43.22	£849.59
Braintree	£4.45	£0.47	£3.08	£1.45	£0.40	£7.28	£21.20	£11.85	£128.49	£76.75	£255.43
Chelmsford	£4.45	£0.12	£1.39	£0.54	£1.48	£4.38	£1.95	£0.68	£38.08	£1,010.41	£1,063.46
Clacton	£2.03	£2.73	£5.73	£109.42	£16.48	£0.00	£0.00	£0.00	£0.00	£7.18	£143.57
Frinton	£0.00	£0.00	£2.01	£0.91	£9.32	£0.00	£0.00	£0.00	£0.00	£0.64	£12.89
Ipswich	£17.38	£32.69	£5.86	£6.90	£6.17	£0.11	£0.20	£0.00	£0.20	£1,328.22	£1,397.74
Sudbury	£0.81	£2.84	£0.00	£0.00	£0.86	£6.19	£5.64	£0.20	£0.20	£149.19	£165.73
Other Outside Borough	£20.74	£15.90	£8.68	£4.39	£19.05	£4.46	£11.51	£21.82	£21.82	£52.28	£174.27
Total	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£2,999.22

Table 7: Design Year Comparison Expenditure 2017 £Million - B&Q Store 20% reduction

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£1,394.79
Williams & Griffin	£6.98	£1.41	£2.63	£1.40	£1.88	£0.80	£0.49	£0.75	£0.32	£0.88	£17.54
Colchester	£245.00	£49.48	£91.97	£49.20	£65.86	£28.05	£17.26	£26.39	£11.56	£31.43	£616.18
Colchester food stores	£18.55	£0.35	£3.54	£0.18	£1.34	£0.57	£0.07	£0.68	£0.00	£1.34	£26.61
B&Q Colchester	£12.93	£0.94	£3.70	£0.29	£2.15	£0.23	£0.05	£0.27	£0.00	£1.09	£21.65
Colchester retail warehouses	£72.81	£11.72	£24.42	£8.04	£10.95	£7.38	£4.44	£10.21	£2.85	£7.90	£160.72
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.09	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
Borough Total	£356.67	£63.91	£128.27	£59.11	£82.17	£40.11	£22.44	£38.43	£15.13	£42.97	£849.21
Braintree	£4.45	£0.47	£3.09	£1.45	£0.40	£7.28	£21.20	£11.86	£128.49	£76.76	£255.46
Chelmsford	£4.45	£0.12	£1.39	£0.54	£1.48	£4.38	£1.95	£0.68	£38.08	£1,010.51	£1,063.57
Clacton	£2.03	£2.73	£5.74	£109.43	£16.48	£0.00	£0.00	£0.00	£7.18	£143.58	
Frinton	£0.00	£0.00	£2.02	£0.91	£9.32	£0.00	£0.00	£0.00	£0.64	£12.89	
Ipswich	£17.41	£32.71	£5.86	£6.90	£6.18	£0.11	£0.20	£0.00	£1,328.35	£1,397.94	
Sudbury	£0.81	£2.84	£0.00	£0.00	£0.00	£0.86	£6.19	£5.64	£0.20	£149.20	£165.74
Other Outside Borough	£20.74	£15.91	£8.68	£4.39	£19.05	£4.46	£15.44	£11.51	£21.82	£52.28	£174.28
Total	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94		£2,999.10

Table 8: Comparison Goods Trade Draw of Proposed Sainsbury's Food Store at 2017 £Million

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
% Trade Draw	50%	5%	20%	5%	5%	5%	0%	5%	0%	5%	100%
£M Trade Draw	£8.19	£0.82	£3.28	£0.82	£0.82	£0.00	£0.82	£0.00	£0.82	£0.82	£16.38

Sainsbury's Store = 3,115 sq.m net at £5,258 per sq.m = £16.38m

Table 9: Design Year Comparison Expenditure 2017 £Million - With Proposed Sainsbury's Store

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2017	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94	£1,394.79	
Sainsbury Store	£8.19	£0.82	£3.28	£0.82	£0.82	£0.82	£0.00	£0.82	£0.00	£0.82	£16.38
Williams & Griffin	£6.81	£1.40	£2.56	£1.38	£1.86	£0.79	£0.49	£0.74	£0.32	£0.88	£17.22
Colchester	£239.06	£49.00	£89.48	£48.60	£65.21	£27.52	£17.26	£25.92	£11.56	£31.42	£605.00
Colchester food stores	£17.87	£0.35	£3.39	£0.18	£1.32	£0.55	£0.07	£0.66	£0.00	£1.34	£25.72
B&Q Colchester	£12.93	£0.94	£3.70	£0.29	£2.15	£0.23	£0.05	£0.27	£0.00	£1.09	£21.65
Colchester retail warehouses	£71.92	£11.67	£24.09	£7.99	£10.90	£7.31	£4.44	£10.12	£2.85	£7.90	£159.18
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.08	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
Borough Total	£357.19	£64.17	£128.50	£59.26	£82.25	£40.29	£22.44	£38.66	£15.13	£43.77	£851.67
Brantree	£4.37	£0.47	£3.02	£1.44	£0.40	£7.18	£21.20	£11.70	£128.49	£76.73	£255.01
Chelmsford	£4.37	£0.12	£1.36	£0.54	£1.47	£4.32	£1.95	£0.67	£38.08	£1,063.05	£1,063.05
Clacton	£2.03	£2.73	£5.73	£109.36	£16.47	£0.00	£0.00	£0.00	£0.00	£7.18	£143.50
Frinton	£0.00	£0.00	£2.01	£0.91	£9.31	£0.00	£0.00	£0.00	£0.00	£0.64	£12.88
Ipswich	£17.09	£32.48	£5.74	£6.84	£6.14	£0.11	£0.20	£0.00	£1,327.93	£1,396.74	£1,396.74
Sudbury	£0.80	£2.83	£0.00	£4.38	£0.00	£0.85	£6.19	£5.59	£0.20	£149.17	£165.62
Other Outside Borough	£20.71	£15.90	£8.67	£4.38	£19.04	£4.46	£15.44	£11.50	£21.82	£52.28	£174.21
Total	£406.57	£118.69	£155.05	£182.73	£135.08	£57.20	£67.41	£68.12	£203.94	£2,999.62	

Table 10: Horizon Year Comparison Expenditure 2019 £Million - With Sainsbury's Store

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2019	£435.26	£125.38	£165.91	£195.50	£144.28	£60.69	£70.76	£71.83	£212.47		£1,482.09
Sainsbury's	£8.77	£0.87	£3.51	£0.88	£0.87	£0.00	£0.86	£0.00	£0.87	£17.50	
Williams & Griffin	£7.29	£1.48	£2.73	£1.48	£1.98	£0.83	£0.51	£0.78	£0.33	£18.34	
Colchester	£255.93	£51.76	£95.75	£52.00	£69.65	£29.20	£18.11	£27.33	£12.04	£643.96	
Colchester food stores	£19.13	£0.37	£3.63	£0.19	£1.41	£0.58	£0.07	£0.69	£0.00	£1.37	
B&Q Colchester	£13.84	£1.00	£3.96	£0.31	£2.29	£0.24	£0.06	£0.29	£0.00	£23.14	
Colchester retail warehouses	£77.00	£12.33	£25.78	£8.54	£11.64	£7.75	£4.66	£10.67	£2.97	£169.84	
Tiptree	£0.43	£0.00	£0.00	£0.00	£0.00	£3.27	£0.14	£0.42	£0.23	£4.65	
West Mersea	£0.00	£0.00	£2.15	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.27	
Borough Total	£382.40	£67.79	£137.51	£63.40	£87.85	£42.75	£23.55	£40.76	£15.77	£45.36	£907.14
Braintree	£4.68	£0.50	£3.24	£1.54	£0.43	£7.61	£22.25	£12.34	£133.87	£81.54	
Chelmsford	£4.68	£0.12	£1.46	£0.58	£1.57	£4.58	£2.04	£0.70	£39.67	£1,073.41	
Clacton	£2.17	£2.88	£6.13	£117.00	£17.59	£0.00	£0.00	£0.00	£7.63	£153.40	
Frinton	£0.00	£0.00	£2.15	£0.98	£9.95	£0.00	£0.00	£0.00	£0.69	£13.76	
Ipswich	£18.30	£34.31	£6.15	£7.32	£6.56	£0.12	£0.21	£0.00	£0.21	£1,484.22	
Sudbury	£0.86	£2.99	£0.00	£0.00	£0.90	£6.49	£5.89	£0.21	£158.50	£175.85	
Other Outside Borough	£22.18	£16.79	£9.28	£4.69	£20.34	£4.73	£16.20	£12.13	£22.73	£55.55	
Total	£435.26	£125.38	£165.91	£195.50	£144.28	£60.69	£70.76	£71.83	£212.47	£3,186.99	

Table 11: Horizon Year Comparison Expenditure 2019 £Million - With North Colchester UE

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Expenditure 2019	£435.26	£125.38	£165.91	£195.50	£144.28	£60.69	£70.76	£71.83	£212.47		£1,482.09
North Colchester UE	£6.60	£1.10	£0.10	£0.00	£0.10	£0.45	£0.10	£0.10	£0.45	£9.00	
Sainsbury's	£8.57	£0.85	£3.50	£0.88	£0.87	£0.00	£0.86	£0.00	£0.87	£17.27	
Williams & Griffin	£7.18	£1.46	£2.73	£1.48	£1.98	£0.83	£0.51	£0.78	£0.33	£18.21	
Colchester	£252.03	£51.16	£95.69	£52.00	£69.65	£29.14	£17.94	£27.28	£12.03	£32.19	£639.10
Colchester food stores	£18.41	£0.36	£3.62	£0.19	£1.41	£0.58	£0.07	£0.69	£0.00	£1.37	£26.70
B&Q Colchester	£13.74	£0.99	£3.96	£0.31	£2.29	£0.24	£0.06	£0.29	£0.00	£1.16	£23.03
Colchester retail warehouses	£75.83	£12.18	£25.76	£8.54	£11.64	£7.74	£4.61	£10.66	£2.97	£8.49	£168.42
Tiptree	£0.43	£0.00	£0.00	£0.00	£0.00	£3.27	£0.14	£0.14	£0.42	£0.23	£4.65
West Mersea	£0.00	£0.00	£2.15	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.27
Borough Total	£382.79	£68.11	£137.52	£63.40	£87.85	£42.77	£23.78	£40.79	£15.85	£45.79	£899.64
Braintree	£4.64	£0.49	£3.23	£1.54	£0.43	£7.61	£22.15	£12.33	£133.81	£81.52	£267.76
Chelmsford	£4.64	£0.12	£1.46	£0.58	£1.57	£4.58	£2.03	£0.70	£39.66	£1,073.25	£1,128.58
Clacton	£2.17	£2.88	£6.13	£117.00	£17.59	£0.00	£0.00	£0.00	£0.00	£7.63	£153.40
Frinton	£0.00	£0.00	£2.15	£0.98	£9.95	£0.00	£0.00	£0.00	£0.00	£0.69	£13.76
Ipswich	£18.16	£34.11	£6.15	£7.32	£6.56	£0.12	£0.21	£0.00	£0.21	£1,410.83	£1,483.65
Sudbury	£0.85	£2.97	£0.00	£0.00	£0.00	£0.90	£6.46	£5.89	£0.21	£158.48	£175.76
Other Outside Borough	£22.01	£16.70	£9.28	£4.69	£20.34	£4.72	£16.13	£12.12	£22.72	£55.54	£184.24
Total	£435.26	£125.38	£165.91	£195.50	£144.28	£60.69	£70.76	£71.83	£212.47	£3,178.23	

Table 12: Summary of Comparison Goods Impacts 2017 (£ millions)

Centre/Facilities	Base Year 2014	Design Year (no stores) 2017	Design Year (W&G) 2017	Design Year (B&Q reduced) 2017	Design Year (Sainsbury's) 2017	% Impact Cumulative 2017
Sainsbury's	n/a	n/a	n/a	n/a	£16.38	n/a
Williams & Griffin	n/a	n/a	£17.50	£17.54	£17.22	n/a
Colchester	£572.19	£629.34	£615.07	£616.18	£605.00	-3.9%
Colchester food stores	£24.25	£26.82	£26.59	£26.61	£25.72	-4.1%
B&Q Cochester	£24.64	£27.22	£27.06	£21.65	£21.65	-20.5%
Colchester retail warehouses	£143.44	£157.75	£156.86	£160.72	£159.18	0.9%
Tiptree	£4.04	£4.39	£4.39	£4.39	£4.39	-0.1%
West Mersea	£1.92	£2.12	£2.12	£2.12	£2.12	-0.2%
Borough Total	£770.48	£847.65	£849.59	£849.21	£851.67	
Braintree	£239.83	£255.92	£255.43	£255.46	£255.01	-0.4%
Chelmsford	£993.73	£1,063.94	£1,063.46	£1,063.57	£1,063.05	-0.1%
Clacton	£130.26	£143.62	£143.57	£143.58	£143.50	-0.1%
Frinton	£11.69	£12.89	£12.89	£12.89	£12.88	-0.1%
Ipswich	£1,279.86	£1,398.59	£1,397.74	£1,397.94	£1,396.74	-0.1%
Sudbury	£153.80	£165.79	£165.73	£165.74	£165.62	-0.1%
Other Outside Borough	£160.41	£174.27	£174.27	£174.28	£174.21	0.0%
Total	£3,740.07	£4,062.68	£4,062.68	£4,062.68	£4,062.68	

Table 13: Summary of Comparison Goods Impacts 2019 (£ millions)

Centre/Facilities	Base Year 2014	Horizon Year (with Sainsbury's) 2019	Horizon Year (with NCUE) 2019	NCUE Impact
North Colchester UE	n/a	n/a	£9.00	n/a
Sainsbury's	n/a	£17.50	£17.27	1.3%
Williams & Griffin	n/a	£18.34	£18.21	0.8%
Colchester	£572.19	£643.96	£639.10	0.8%
Colchester food stores	£24.25	£27.45	£26.70	2.8%
B&Q Colchester	£24.64	£23.14	£23.03	0.5%
Colchester retail warehouses	£143.44	£169.84	£168.42	0.8%
Tiptree	£4.04	£4.65	£4.65	0.0%
West Mersea	£1.92	£2.27	£2.27	0.0%
Borough Total	£770.48	£907.14	£908.64	
Braintree	£239.83	£267.99	£267.76	0.1%
Chelmsford	£993.73	£1,128.82	£1,128.58	0.0%
Clacton	£130.26	£153.40	£153.40	0.0%
Frinton	£11.69	£13.76	£13.76	0.0%
Ipswich	£1,279.86	£1,484.22	£1,483.65	0.0%
Sudbury	£153.80	£175.85	£175.76	0.0%
Other Outside Borough	£160.41	£184.62	£184.24	0.2%
Total	£3,740.07	£4,315.81	£3,407.17	



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Application No: 152182

Location: 36-40 Crouch Street, Colchester

Scale (approx): 1:1250

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7.3 Case Officer: Chris Harden Due Date: 21/01/2016

MAJOR

Site: 36-40 Crouch Street, Colchester

Application No: 152182

Date Received: 8 October 2015

Agent: MJC Associates

Applicant: Globalpark Estates Ltd

Development: Variation of condition 2 of planning permission F/COL/04/1046. (To relocate bin store & cycle store)

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is classified as a Major Application and objections have been received.

2.0 Synopsis

2.1 The key issues explored below are whether the variation of planning condition 2 of F/COL/04/1046 and the resultant rationalisation of the refuse storage area and cycle storage area down from four areas to two would still result in adequate refuse and cycle store provision. Following a site inspection and analysis of the information submitted by the letting company, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two bedrooomed flats.

3.0 Site Description and Context

3.1 The site lies within the physical limits of Colchester. The originally approved development consisted of new retail units and 24 two bedrooomed flats. ((F/COL/04/1406). The development has been constructed with two cycle storage areas and two refuse storage areas serving the 24 two bedrooomed flats. The refuse and cycle storage areas are to the rear of the flats.

4.0 Description of the Proposal

4.1 The proposal is for the Variation of Condition 2 of the approved planning application F/COL/041046 for retail units and 24 two bedrooomed flats to amend the refuse storage provision and cycling provision. There would be one refuse area and one cycle storage area to the rear of the flats and the other smaller refuse area and cycle store area closer to the front of the site would be closed. The refuse area and cycle storage area would serve only the flats. The retail units have their own storage areas.

4.2 The applicant states that records from the managing agents, Boydens have indicated that only 1100 Eurobins and recycling bins are barely ½ full each week. “We also carry out regular inspections. The proposed new cycle store currently has 3 bikes and a push chair in itand could probably accommodate 60 bikes.”

5.0 Land Use Allocation

5.1 Mixed Use, Colchester.

6.0 Relevant Planning History

6.1 The original application for retail units and 24 two bedrooomed flats was granted in 2005 (F/COL/041046).

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

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

DP1 Design and Amenity DP12 Dwelling Standards

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

N/A

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

- The Essex Design Guide
- Cycling Delivery Strategy
- Colchester BC Street Services Infrastructure Guide Oct 2012.

8.0 Consultations

8.1 Environmental Protection: “no comments.”

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 The Parish Council have made no observations.

10.0 Representations

10.1 3 letters of objection have been received which make the following observations:

- I am the owner of Flats 18 and 23 Priory Court. The freeholder has closed the facilities since the beginning of 2015. Repeated requests to re-open the facilities have been ignored. The Leasehold Advisory Service have advised me that the freeholder is in breach of the conditions on which the lease is based. These conditions were set by the planning conditions.
- Unilateral closure of one bin store has led to overcrowding of the second bin store with large waste bins. This makes waste disposal difficult for tenants and can lead to smells and possible vermin from over large deposits of waste.
- Inconvenient for tenants to access this second bin store, in times of inclement weather, and with the added difficulty of negotiating parked cars.
- Closure of the Cycle store denies those who cycle or are considering buying a cycle storage facilities established for such purposes. Will also affect people with children who use push chairs.
- Will lead to tenants, now or in the future storing cycles and push chairs in the interior of the buildings which could be dangerous and damaging to the fabric of the building and the lifts.
- Fire Officer for these buildings frequently reminds tenants that communal areas must be kept free of bikes and push chairs at all times.
- Application relates to varying the lease conditions.
- Concerned that I have no idea what the freeholder is proposing to use the vacated space for.
- Am the owner of Flat 1 Priory Court and object to the proposal.
- No one have contacted us and explained why these works will go ahead.
- Is this going to affect me as an owner of the property in the future ? (Logistically /Financially)?

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

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

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 This application is classed as a “Major” application owing to the fact that it is for the variation of a condition to a previously approved “Major application. However there was no requirement for it to be considered by the Development Team as all Planning Obligations were covered and met under the previously approved application via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The key issue for this application is whether the rationalisation of the refuse bin storage area and cycle store area, by closing the smaller bin store and smaller cycle storage area and retaining just one bin storage area and one cycle storage area would still result in adequate storage areas for the 24 two bedrooomed flats.

15.2 Following a site inspection and analysis of the information submitted by the letting company, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two-bedrooomed flats. The managing agents, Boydens, have indicated that the bin stores are rarely more than half full. Boydens have also stated that they carry out regular inspections and have not been informed about the bin store overflowing. The case officer viewed the bin storage areas and cycle storage areas on site. It was clear that there remains additional capacity for refuse and cycle storage after the two smaller areas are closed. The Street Services Infrastructure Guide published in October 2012 indicates that one 1100 litre Eurobin would serve 12 properties. As there are 24 flats then the provision of two Eurobins would meet the standard. There are five in the retained storage area so this is considered more than adequate to serve the flats and these are not all utilised.

15.3 The infrastructure guide also recommends that nine bins (i.e. three sets of three) would be required for the 24 flats. Six recycling bins have been provided, but it was clear from visiting the site and noting the agent's comments that these indeed are barely half full on most occasions. It is therefore concluded that adequate recycling bins are *in situ*. If demand for recycling bins did increase, then there would be scope to replace one of the underutilised Euro bins with recycling bins in future if necessary. Overall it is therefore concluded that with the single bin storage area there would be more than adequate refuse/recycling bin capacity to serve the 24 flats. The retained storage areas are also relatively conveniently situated across the car park from the flats and access would not be blocked by car parking. This bin store area is also considered to be more appropriately located than the other bin store which is located directly adjacent to the access drive into the site.

15.4 Similarly, the cycle store is also conveniently located adjacent to the car park to the rear. An inspection of it revealed that it was used by three bikes and a pushchair although this was during the day. The cycle store is quite a large area and the agent states that it is only used to store these three bikes and the pushchair. The agent also states it could “probably accommodate 60 bikes.”

15.5 It would certainly appear that there is more than enough space to store bikes to serve the flats in just this one cycle store area. Therefore it is not considered that the other smaller cycle store needs to remain available. It is, however, considered that a cycle rack should be provided within the cycle store area to be retained in the interests of providing a more secure store and encouraging more cycling use.

16.0 Conclusion

16.1 Following an on-site analysis and the receipt of details from the managing agents, it is concluded that one refuse storage area and one cycle store area would be adequate provision for the 24 two-bedroomed flats.

17.0 Recommendation

17.1 APPROVE subject to the following conditions.

18.0 Conditions

1 - *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: location plan received 8/10/15 and MJC/CR/01 received 11/1/16 and shall include the provision of a cycle rack in the cycle storage area within two months of the date of this permission.

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

2 - Non-Standard Condition/Reason

With the exception of condition 2 of Planning Permission F/COL/04/1046 which is hereby varied, the requirements of all other conditions imposed upon planning permission F/COL/04/1046 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

19.0 Positivity Statement

19.1 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.



Application No: 152512

Location: Merlin Swimming Pools, 243 Berechurch Hall Road, Colchester, CO2 9NP

Scale (approx): 1:1250

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Site: 243 Berechurch Hall Road, Colchester, CO2 9NP

Application No: 152512

Date Received: 20 November 2015

Agent: Mr Maurice Denney

Applicant: Merlin Leisure Group

Development: Proposed teaching swimming pool.

Ward: Shrub End

Summary of Recommendation: Conditional Approval

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 Councillor Lyn Barton on the grounds of concerns about the following:

1. Current plans do not show the new development which has been built alongside the proposed pool so the plans are incorrect;
2. Pump etc is sited alongside residential property;
3. Concerns about chlorine in a residential area;
4. Loss of amenity and concerns about parking if all the retail units on the site are remaining.

2.0 Synopsis

2.1 The key issues explored below are the policy principles, design, scale and form of the building and the impact on residential amenity and highway safety. It is considered that in policy terms the proposal can be supported and that the design, scale and form of the building is acceptable in this context and would not detract from the character of the street scene and its surroundings. It is also considered that there would not be a significant detriment to neighbouring residential amenity. There would also not be a detriment to highway safety, and adequate parking and manoeuvring space would be available.

3.0 Site Description and Context

3.1 The site lies within the physical limits of Colchester and is currently the commercial premises of Merlin Swimming Pools. There are residential properties on either side of this commercial site.

4.0 Description of the Proposal

4.1 The proposal is for the erection of a teaching swimming pool building which would measure 13.25 metres in length, 7.5 metres in width and 4.6 metres to the ridge of the pitched roof. It would have red/brown roof tiles and brown stained boarding to match the existing buildings. An existing Polytunnel building of a similar size would be removed to make way for the new pool building which would be attached to the rear of the existing single storey entrance area and office building.

4.2 The pool itself would measure 10 metres by 4.5 metres. Other commercial buildings associated with the swimming pool company would remain to the North-West of the site. Another smaller building to the rear of the site would be removed to provide extra parking spaces. A plant room and changing rooms would be located in the South-Western part of the building close to the side boundary. A total of 35 car parking spaces on the overall site would be provided although at a size of 2.4 x 5.5 which is a little narrower than the latest recommended parking space size. Twelve of these spaces would be set aside for the swimming pool use. Hours of use are proposed to be 09:00 to 17:30 Monday to Friday (10:00 to 16:30 in winter) and 09:00 to 17:00 on Saturday with no use on Sundays and Bank Holidays.

4.3 The applicant states that the swimming lessons will be provided by qualified instructors and normally based on half hour sessions. There would be a maximum of six children per session, by appointment. The administration of the pool will be separate to the adjacent offices owned by Merlin Pools and Spas. The applicant also states that there is a shortage of such pools available for teaching purposes in the area.

4.4 The applicant has submitted an additional plan showing the recently constructed residential properties on either side of the site and also the parking spaces for the pool use. The applicant also states "There will be no noise from our plant room as there are no large intakes for the Calorex dehumidification system. There are two small fresh air outlets to the main roof and these both come within the decibel law. The main building, including the plant room and changing room are highly insulated wall structure plus the plant room door which means no noise. There will be no chlorine gases as this is an indoor swimming pool which is run on an ionisation system which reduces chlorine levels down by 85%."

5.0 Land Use Allocation

5.1 Predominantly residential.

6.0 Relevant Planning History

6.1 There have been a number of planning applications determined in relation to the site. The most relevant recent approval was for a showroom and office extension in 2011 (111565). There has been recent residential redevelopment of the sites on either side of the application site.

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

SD3 - Community Facilities

UR2 - Built Design and Character

ENV1 - Environment

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

DP1 Design and Amenity

DP4 Community Facilities

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP19 Parking Standards

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

- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- External Materials in New Developments

8.0 Consultations

8.1 Highways Authority states: This Authority has assessed the highway and transportation impact of this proposal and whilst it is noted that the parking space dimensions do not accord with current policy standards if the Local Planning Authority are minded to grant permission and will raise no objection as it is not contrary to the following policies:-

A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011

B) Accessibility - Policy DM9-12 of the Highway Authority's Development Management Policies February 2011

C) Efficiency/Capacity - Policies DM13-15 of the Highway Authority's Development

Management Policies February 2011
D) Road Hierarchy - Policies DM2-5 of the Highway Authority's Development Management Policies February 2011

8.2 Environmental Health have no objections and recommend the following conditions and advisory notes:

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.

Noise

We note that there are residential properties on both sides of the site and wish to ensure that noise

is not detrimental to the residential amenity and therefore recommend the following conditions:

Restriction of Hours of Operation

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

Weekdays: 09:00-17:30

Saturdays: 09:00-17:00

Sundays and Public Holidays: No operation.

A close-boarded fence 2 metres in height shall be erected along the boundary of the car park and existing residential properties.

Site Boundary Noise Levels (for fixed plant)

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 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.

Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the building 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.

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.

NOTE: Demolition and Construction

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 The Parish Council have made no observations.

10.0 Representations

10.1 4 letters of objection have been received which make the following points:

- Live in Catkin Mews next to the site: Development will create chlorine gas and smell of chlorine, causing air pollution of the surrounding area which includes Catkin Mews. Could be a potential health risk and very unpleasant for the residents. We won't be able to enjoy using our amenity areas.
- According to the Sports Council guidelines for swimming pools flues, air intakes, ventilation and extract louvers/cowls should be positioned away from public residential areas. Plant room would be situated next to Catkin Mews and would be 24 hr disturbance. Should be on other side of building.
- Flues, air intakes, ventilation and extract louvers/cowls should be positioned away from public residential areas on other side of building.
- Will cause ongoing noise and disturbance from children/people arriving, participating in and leaving the swimming lessons. Will affect us in the day as a number of us are home then.
- Noise from changing rooms and showers next to boundary.
- During construction there will be excessive noise, vibrations, traffic, dust, dirt and debris.
- Concerned that Catkin Mews will become an 'overflow' car park? if there is ever a shortage of car parking spaces.
- No need for yet another swimming/training pool in the Colchester area. Other pools are in non-residential areas.
- Surely a change of use of the existing facility on the site? The existing business constitutes no noise, smells or parking problems. I wish for it to stay that way.
- Would detract from the quality of life and have a considerable negative impact on the pleasant living conditions.
- Submitted plans are not a true reflection of what actually exists at present on the site.
- Concerned about the parking issues and traffic. Berechurch Hall Road is a very busy road and difficult to cross at the best of times. Does not appear adequate parking to accommodate even small coaches. Where will staff park?
- Merlin Pools is currently a small retail unit. Existing unit at Merlin Pools is 60.25m² and the proposed pool hall will be 137m², over twice the size.

- 15 parking spaces along the boundary fence of Catkin Mews, which will seriously affect the residents with constant usage and exhaust fumes.
- Proposed structure will be considerably higher than the existing poly tunnels.
- Would have a detrimental effect to the value of our properties and any ability to sell.
- Will block out sunlight.
- Increase in footfall / members of the public visiting with possible increased risk to the security of our homes and privacy to our homes, gardens and amenity areas.
- Human error can occur and acid can be placed into the chlorine container. This will produce deadly chlorine gas.

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

11.0 Parking Provision

11.1 35 spaces of 5.5 m x 2.4 m for the site overall (12 spaces for the pool use itself).

12.0 Open Space Provisions

12.1 N/A

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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Principle

15.1 Having regard to the abovementioned National and Local Plan Policies and the location of the site, it is considered that the principle of the swimming pool being located on the site can be supported. The site is in a sustainable location, with access from a main road and it is close to Colchester and services. The site is currently a commercial premises and the swimming pool itself is to be a commercial operation. The employment use of the site will therefore be retained which is beneficial to the economy and accords with the national and local policy aims of promoting the economy. There would also be the provision of a community facility in the form of a teaching swimming pool. The proposal should therefore be judged on its detailed planning merits.

Scale, design and layout

15.2 It is considered that the scale, design and layout of the swimming pool building is acceptable in this context. The pool building would replace an existing polytunnel and would be on a similar footprint. It would be slightly taller to the ridge of its pitched roof but would be an attractive design that would relate well to the other buildings on the site. Indeed it would represent a visual improvement compared to the polytunnel, with its dark brown stained boarding matching the existing buildings on the site. The red/brown tiling would also be in keeping with other buildings on the site. Overall it is not considered that the building would detract from the character of its surroundings or from the street scene.

Impact upon neighbouring residential amenity

15.3 It is not considered that there would be any significant impact upon neighbouring residential amenity from the pool. The swimming pool itself is relatively small scale and such buildings are well insulated in respect of noise containment from the swimmers. The applicant has confirmed that there would be a maximum of six children being taught at any one time and this can be conditioned. The conditions recommended by Environmental Protection can be applied regarding the insulation of the building and the hours of use of the building. In addition it is concluded that there would not be any impact upon neighbouring properties from smell from chemicals used in the pool. The applicant has confirmed that only a very low amount of chlorine is used in such pools and Environmental Protection have confirmed that this is the case otherwise there would be an impact upon swimmers.

15.4 Similarly, whilst the plant room is close to the neighbouring boundary, it is not considered that this would cause a problem in respect of noise. Environmental Protection have recommended a condition to ensure that noise from any plant and equipment does not exceed 0Db(A) at all of the site boundaries. The agent has confirmed the plant room is well insulated. A condition will also be applied to ensure the erection of a 2 metre high boundary fence.

15.5 A condition will also be applied to minimise any intrusion from light pollution, as recommended by Environmental Protection and with the applicant. This should ensure that the amenity of the surrounding area is safeguarded from any detrimental impact from any lighting on the site.

15.6 There should not be any additional impact upon neighbouring residential amenity from vehicular movements as the site already has parking and manoeuvring facilities and the hours of use of the pool and associated activity will be controlled by condition.

15.7 Overall, subject to the application of the above-mentioned conditions suggested by Environmental Protection, it is not considered there would be any significant detriment to neighbouring residential amenity from the use of the pool. The concerns of the neighbours have been analysed in detail and discussed with Environment Protection. Accordingly, appropriate conditions have been applied.

Highway Issues

15.8 It is not considered there would be any detriment to highway safety from the proposed use. The Highways Authority have raised no objections to the scheme. The access to the site has adequate visibility in either direction and the provision of 35 car parking spaces on the overall site including 12 for the pool itself is considered to be an appropriate level. There is also room for minibuses if necessary.

16.0 Conclusion

16.1 It is considered that the scale, design and layout of the proposal is acceptable and would not detract from the character of its surroundings. Subject to appropriate conditions it is also not considered there would be any significant detriment to neighbouring residential amenity. There would not be any impact upon highway safety and there would be adequate parking provision.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *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 COL/325/15/5, received 20/11/15 and location plan received 5/1/16, COL/325/15/4A & COL/325/15/6 A received 22/1/16.

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

3 - Materials as Stated in Application

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

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

4 - Non-Standard Condition/Reason

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.

5 - Non-Standard Condition/Reason

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

Weekdays: 09:00-17:30

Saturdays: 09:00-17:00

Sundays and Public Holidays: No operation.

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.

6 - Non-Standard Condition/Reason

A close-boarded fence 2 metres in height shall be erected along the boundary of the car park/swimming pool and existing residential properties prior to first use of the swimming pool and thereafter retained as such.

Reason: In the interests of neighbouring residential amenity.

7 -Non-Standard Condition/Reason

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 near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

8 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, the building 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. No external doors or windows to the pool room shall be open (apart from necessary access and egress) when teaching takes place.

9 - Non-Standard Condition/Reason

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.

10 - Non-Standard Condition/Reason

Prior to the first use of the swimming pool, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle 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 that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

11 - Non-Standard Condition/Reason

A maximum of 6 swimmers shall be taught in the swimming pool at any one time.

Reason: In the interests of the amenity of the area.

19.0 Informatics

(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.

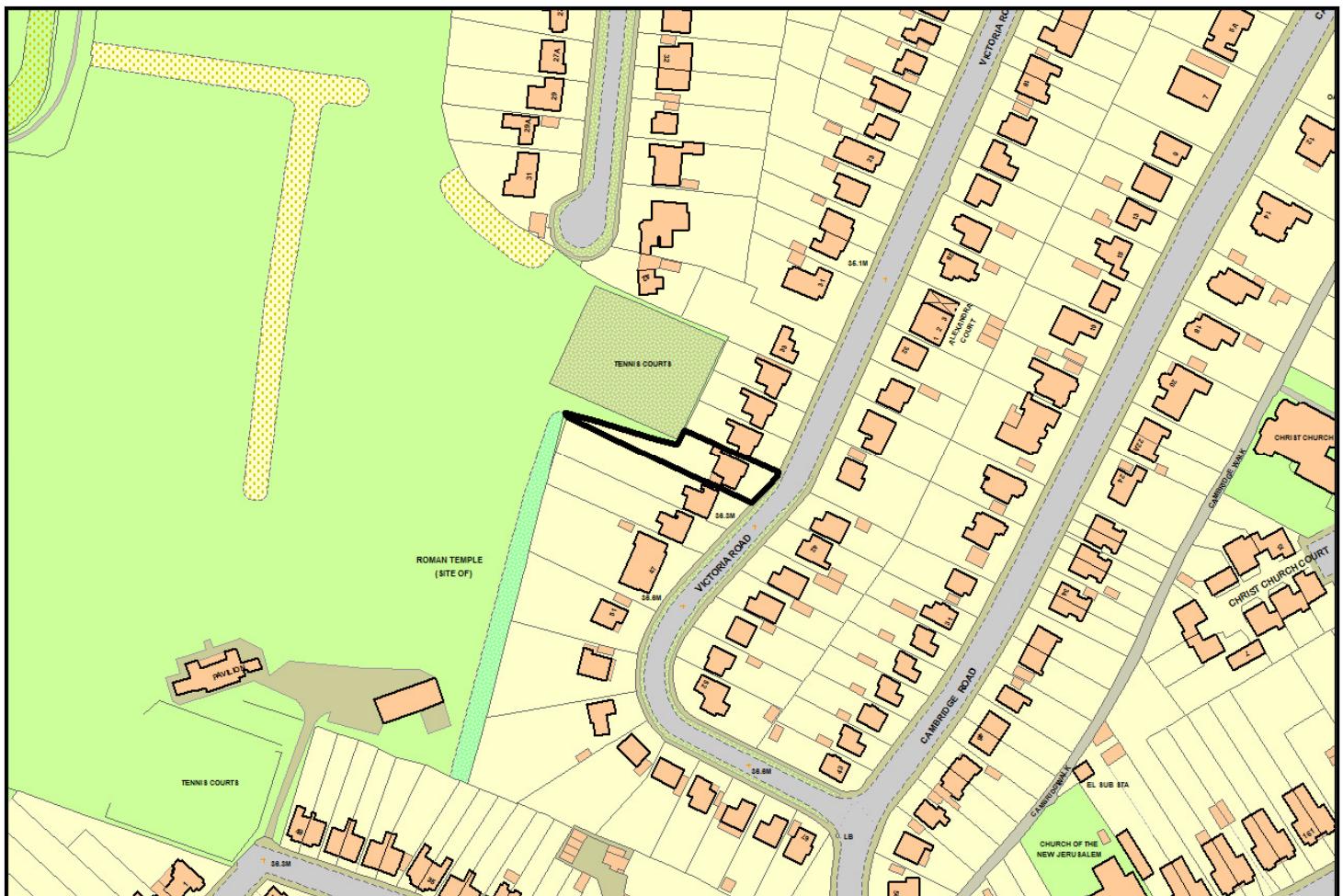
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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. Please pay particular attention to these requirements.

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.



Application No: 152331

Location: 41 Victoria Road, Colchester, CO3 3NU

Scale (approx): 1:1250

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Site: 41 Victoria Road, Colchester, CO3 3NU

Application No: 152331

Date Received: 18 November 2015

Agent: Mr Tim Palmer

Applicant: Mr & Mrs J Eyre

Development: Part double, part single storey extensions to side and rear and addition of oriel window to front, following demolition of existing side and rear extensions.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

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 Councillor Hardy over concerns about the impact upon neighbouring residential amenity. There are concerns that the length and height of the proposed extension, together with its location abutting the boundary, would have an overbearing impact and visual intrusion on the living space of 39 Victoria Road. "This, together with the impact of increased shadow on the south side, results in a significant loss of amenity. No. 43 Victoria Road will also be affected as the extension will bring brick walls closer to bedroom and kitchen/dining windows occluding light while giving rise to increased overlooking." Heritage queries are also raised in changing the front portal window to an oriel window.

2.0 Synopsis

2.1 The key issues explored below are the design, scale and form of the extensions, the impact upon neighbouring residential amenity and whether there would be enough amenity space retained for the property.

2.2 It is concluded that the design, scale and form of the extensions would relate satisfactorily to the character of the existing dwelling and would not have an impact upon the character of the street scene. It is also considered there will not be a significant impact upon neighbouring residential amenity and that adequate amenity space would be retained.

3.0 Site Description and Context

3.1 The existing property is a two-storey detached dwelling that lies within the physical limits of Colchester. It is within a row of similarly designed properties, with neighbouring properties directly on either side. It also lies in an area of high archaeological potential.

4.0 Description of the Proposal

4.1 The proposal is for the erection of a two storey side extension and single storey side and rear extension. The proposal includes the demolition of the existing single storey side and rear extensions and the addition of a front oriel window. The property would gain one bedroom to make it a five-bedroom dwelling. The proposal has been amended from the original submission by replacing the initially proposed pitched roof on part of the single storey with a lower, flat roof on the Southern side facing number 39. Part of the extension has been moved further away from number 39 and the single storey pitch roof has been slightly lowered.

5.0 Land Use Allocation

5.1 Predominantly residential.

6.0 Relevant Planning History

6.1 There is no relevant planning history for the site itself. The neighbouring property (number 43) has constructed a previously approved first floor extension adjacent to the application site (reference 072855).

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

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

Vehicle Parking Standards

Extending Your House?

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 Councillor Hardy states: "Unfortunately, the length and height of the proposed extension, together with its location abutting the boundary is an overbearing and visual intrusion on the living space of 39 Victoria Road. This, together with the impact of increased shadow on the south side, results in a significant loss of amenity. No. 43 Victoria Road will also be affected as the extension will bring brick walls closer to bedroom and kitchen/dining windows occluding light while giving rise to increased overlooking. Heritage queries are also raised in changing the front portal window which is of original art deco style in common with the house next door."

8.2 Colchester Borough Council's Archaeologist has made the following observations:

"The proposed development is located within an area of archaeological importance recorded in the Colchester UAD, within 100m of the site of a Roman temple (UAD no. MCC1959). There is high potential for encountering below-ground archaeological remains, and possibly Roman burials, at this location.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed."

A condition relating to a programme of archaeological works is therefore recommended.

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 n/a

10.0 Representations

10.1 Ten letters of objection have been received relating to which make the following points:

- Application does not show adjoining property correctly. It has approved extension works which will be directly overlooked by these proposals.
- Application should not be determined until the overlooking situation has been resolved/removed.
- Rear extension will be built to the South of our house and extend to our boundary halfway down our garden. It will greatly restrict light and overshadow rear of our house and outside area. Direct sunlight will only fall onto our outside living area in the height of summer. Our side French doors will have angle of outlook reduced by over half. Our main aspect glass doors will have reduction down to less than 45 degrees. Have only 20ft of rear garden. Will affect 3 generations of family.
- View of trees will be replaced by ugly brick walls and tiled roof. Trees have already been removed.
- Alterations will be out of character and blight pretty part of Colchester.
- Remove of 30s features such as the circular window detracts from look of the line of houses.
- Noise and smell from kitchen will permeate into our living space.
- Roman archaeology should be protected. Close to Roman Temple and no archaeological assessment made.
- Extension not single storey- roof would finish just below first floor window on the rear. Ceilings are higher.
- Will overlook and be intrusive on number 39 and cause loss of light.
- Plans for 39 do not show their kitchen extension.
- Side extension will be clearly visible from Victoria Road and public footpath
- Two storey side extension will overshadow our eldest son's bedroom window, reducing light available. Angle of overshadowing exceeds Council's guidelines.
- Proposed side window will look into our son's bedroom window.
- Proposed kitchen will have a side window looking directly through our kitchen window.
- Noise and disturbance from the extension.
- Scale of proposal is disproportionate to existing properties. Dwellings will appear squeezed together and there will be less expanse of sky visible between the properties.
- Grass snakes have been seen in the area.
- Should be planning conditions to govern way work is carried out.
- Happy to discuss alternative options.
- Could set a precedent for similar schemes.
- North wall should be in line with original house.
- Some loss of privacy for us owing to larger front window.
- Area has the feel of a Conservation Area.
- Revised plan does little to address the concerns - will still greatly restrict light and overshadow us. Merely shaves off a small section of kitchen.
- In receipt of war pension for disabling injuries and rely increasingly on our garden space.

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

11.0 Parking Provision

- 11.1 Two car parking spaces at the front of the property.

12.0 Open Space Provisions

- 12.1 N/A

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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design, scale and form

- 15.1 It is considered that the design, scale and form of the two storey extension is visually acceptable and would relate satisfactorily to the character of the existing dwelling. It matches the scale of the existing side elevation of the property and the roof form is sympathetic to the existing roof form of the dwelling. It would also not be particularly prominent in the street scene and would not result in a cramped appearance. This element is therefore considered to be visually appropriate for its context.
- 15.2 Similarly, the single storey side and rear extension would also be of an acceptable design, scale and form. It would be appropriately recessive to the existing dwelling and would not have any detrimental impact upon the character of the street scene. Overall, the proposals accord with the Policy aims of the Local Plan in ensuring that the design of such proposals is of high quality.
- 15.3 It is not considered that a refusal can be justified for the loss of the circular window on the front of the property. Whilst this is an original feature, the property is not listed or locally listed and does not lie within a Conservation Area. The additional oriel window on the front of the property would appear visually acceptable and would relate satisfactorily to the character of the existing dwelling and street scene.

Impact on Neighbouring Properties

15.4 Overall, the proposal is considered acceptable in terms of its impact upon neighbouring residential amenity. Firstly, with regard to the single storey rear and side extension, it is not considered there would be any significant impact upon the residential amenity of the neighbours either side of the application site. The height of the extension adjacent to the Northern boundary with number 39 has been reduced from the original submission, with the pitched roof being changed to a lower flat roof closest to the neighbouring boundary. This ensures there would not be a significant overbearing impact or loss of light on number 39. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and the proposed single storey extension satisfies this requirement in relation to both neighbours. Accordingly there are no concerns regarding loss of light to the neighbours either side from the single storey extension. The combined plan and elevation tests are not breached and the proposed single storey extension therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House guide.

15.5 It is not considered that there would be an overlooking problem from the single storey extension. Views towards neighbouring properties from ground floor windows and doors would not be a reason to warrant refusing a proposal on overlooking grounds.

15.6 The two storey extension would not have an impact upon the rear windows of number 43 so the above-mentioned 45 degree angle of outlook relating to loss of light would not be contravened. The combined plan and elevation tests in terms of impact on the rear elevation would again not be contravened.

15.7 However, the impact of the two storey extension upon the bedroom window in the neighbour's two storey extension (approved in 2008) also needs to be assessed. It is fair to say that there will be a loss of light to this window and also a loss of outlook. However, it also needs to be borne in mind that the neighbour's extension is relatively recent and was itself built quite close to the applicant's side boundary with a window overlooking the applicant's property. Accordingly it is not considered equitable that the current proposal should be refused on the grounds of an impact upon this window. The current proposal would be virtually the same distance from the boundary as the neighbour's extension and the fact that the neighbour has a window in this relatively recent extension that overlooks the applicant's property should not justify refusing the applicant's two storey extension. On balance it is therefore not considered that the two storey extension should be refused on the grounds of impact upon neighbouring residential amenity.

15.8 The applicant has confirmed that a first floor window to be inserted in the existing south side elevation of the dwelling would be obscure glazed so there would not be an overlooking issue in this respect.

Other Matters

15.9 It is considered that adequate amenity space would be retained for the dwelling as the property has a reasonably large garden to the rear. Parking provision at the front of the site would be unaffected and two spaces would meet the relevant parking standards. No vegetation of significance would be affected.

15.10 The Borough Council's archaeologist has suggested an archaeological programme of works owing to the fact that the site lies within an area of archaeological importance. This condition is considered necessary and reasonable and can be applied.

16.0 Conclusion

16.1 It is considered that the two storey and single storey extensions, including front oriel window, are of an acceptable scale, design and form to ensure they would be in keeping with the character of the existing dwelling and would not detract from the character of the street scene. It is also considered that the extensions are acceptable in terms of their impact upon neighbouring residential amenity. Adequate parking and amenity space would be retained and vegetation would not be affected. An archaeological condition can be applied.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *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: 1932 PL05 A & 1932 PL03 A received 8.1.16, and 1932 PL01 C received 12.1.16.

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

3 - Materials as Stated in Application

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

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

4 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been previously submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site

investigation.

e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008). Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated QGY with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

5 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the new window in the South elevation at first floor level shall be non-opening up to a floor level of 1.7 metres above first floor level and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

19.0 Informatics

(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) Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information.

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.



Application No: 152795

Location: Rowan House, 33 Sheepen Road, Colchester, CO3 3LB

Scale (approx): 1:1250

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7.6 Case Officer: Daniel Cameron Due Date: 10/02/2016

MINOR

Site: 33 Sheepen Road, Colchester, CO3 3LB

Application No: 152795

Date Received: 16 December 2015

Agent: Mr Roy Hammond, Howkins and Harrison

Applicant: Langley Eco Ltd

Development: Construction of car ports incorporating integral solar photovoltaic panels and associated works.

Ward: Castle

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the application has been submitted on behalf of Colchester Borough Council.

2.0 Synopsis

2.1 The key issues explored below are the design and layout of the proposed development as well as its impacts on views from neighbouring sites.

3.0 Site Description and Context

3.1 The site is located to the north west of Colchester Town Centre, just off the major roundabout which connects Middleborough, Sheepen Road and the A134. Rowan House occupies the eastern half of the site, while the western half serves as associated car parking.

4.0 Description of the Proposal

4.1 This application proposes the installation car ports with integral solar photovoltaic panels with associated works and landscaping. The car ports are to be arranged in three, open sided banks, with the panels supported by a ground mounted frame. The total area covered by the structures would be 700 m² with the car port standing 4.7 m above ground level.

4.2 The photovoltaic panels would be orientated to face south at an angle of 10 degrees. The panels would be constructed of non-reflective glass to maximise the capture of solar energy and to minimise any unwanted glare.

4.3 The works would also include the installation of inverter units on the south western elevation of Rowan House which would allow the direct current electricity created by the panels to be used by Rowan House as alternative current. The panels would provide 70% of the daily electrical energy required by Rowan House.

4.4 It is also proposed that planting to the northern and southern boundaries of the site be increased to prevent the car ports and panels from impacting upon wider views of the area.

5.0 Land Use Allocation

5.1 The site is currently designated as an Employment Zone within the current Local Plan.

6.0 Relevant Planning History

6.1 In 2004 planning permission was granted subject to conditions for the installation of air conditioning with external condensers at Rowan House.

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:

CE1 - Centres and Employment Classification and Hierarchy

CE3 - Employment Zones

UR2 - Built Design and Character

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

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP17 Accessibility and Access

DP19 Parking Standards

DP25 Renewable Energy

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

Vehicle Parking Standards

8.0 Consultations

- 8.1 Consultation responses were sought from Colchester Borough Council's Arboriculture Officer, Landscape Officer, Archaeological Advisor and Environmental Protection Team. Their comments are as set out below:
- 8.2 Arboriculture Officer – No objections.
- 8.3 Landscape Officer – The landscaping proposals are broadly acceptable subject to conditions.
- 8.4 Archaeological Advisor – The application site lies within an area of high archaeological importance and interest. No objections subject to conditions requiring a written scheme of archaeological investigation be submitted prior to commencement.
- 8.5 Environmental Protection Team – No Objections.

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 N/A. The application site lies within an unparished town centre ward.

10.0 Representations

- 10.1 The application was advertised for public representations until the 7th January 2016. No public representations were received.

11.0 Parking Provision

- 11.1 At present the car park at Rowan House provides 60 spaces alongside cycle parking facilities. As a result of the development proposed there would be no reduction in parking at Rowan House.

12.0 Open Space Provisions

- 12.1 N/A. There is no requirement for open space provision as a result of this application.

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 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Policy Considerations

15.1 Core Strategy policy ER1 states “The Council will encourage the delivery of renewable energy projects, including micro-generation, in the borough to reduce Colchester’s carbon footprint”. Development Policy DP25 further states that support for renewable energy schemes and their ancillary infrastructure will be given provided that schemes are located and designed in such a way to minimise increases in ambient noise and visual impacts. It is therefore clear that while policy gives support in principle, the mitigation of any visual impacts that may arise as a result of the proposed development are of importance.

Design and Layout

15.2 In terms of design context the surrounding area is primarily urban, reflecting its town centre location and given the presence of tall, modern office buildings to the east of the site, the retail park with bright, illuminated signage to the west, large scale residential development to the south and car parking to the north. The site does not form part of a conservation area nor are there any designated heritage assets in the immediate surrounding area.

15.3 The application site itself is currently a hardstanding car park providing 60 car parking spaces. It is bordered to the north, west and south by established tree and shrub planting. None of the existing trees on site are subject to protection through a Tree Preservation Order.

15.4 The design of the car ports has been kept intentionally simple and is to be open sided. This should prevent the structure from creating unwanted intrusion into longer views of the site and will also allow the car park to continue its function with no loss of spaces.

15.5 The location of the car ports has been intentionally kept central within the layout of the existing Rowan House car park and away from the boundaries to ensure that the development is adequately screened.

15.6 In terms of materials the photovoltaic panels are constructed of non-reflective glass, as their main function is the absorption of light, however, will have the added advantage of preventing any unintentional visual impacts through light reflection. Further the colour frame of the car ports can be controlled via condition, so an appropriate, non-intrusive colour can be specified.

15.7 It should be noted that the photovoltaic panels will require the installation of an inverter to connect to Rowan House. The application does not contain sufficient information as to the precise location, any necessary air intake required for cooling or impact on the area of installation caused as a result. This will be obtained via condition.

Scale, Height & Massing

15.8 The photovoltaic panels to be installed on the car ports will at their maximum be 4.7m high. As such they would lie beneath the existing tree canopy at the northern and southern boundary of the site. This would prevent their intrusion into wider medium and long distance views of the area.

15.9 In terms of scale and massing the area to be covered by the panels is 700m². This area will allow the photovoltaic panels to produce 70% of the daily electricity required by Rowan House. The area has been determined to be that which will allow for the greatest electricity generation potential while remaining unobtrusive within the wider landscape and having a low visual impact upon the wider area.

Impact on surrounding area

15.10 In terms of the impact on the surrounding area, the material choices for the development will limit their intrusion. Further, it is unlikely that the installation of the panels will dominate within the context of the area given the proximity of brightly coloured, illuminated signage in the retail park to the west.

15.11 Direct views of the site will be possible from three locations, directly west from Rowan House, from Sheepen Road to the north and from the footpath to the west.

15.12 Views from Rowan House currently look out onto a car park and there is some screening provided by shrub planting immediately before the car park. Where there are gaps in the planting, the open sided construction of the car ports will allow for similar views to those currently enjoyed from Rowan House.

15.13 Views from Sheepen Road are screened by the existing tree planting at the northern boundary of the site, and screening will be improved by increased understorey planting provided by the developer. During spring and summer views will be extremely limited, however, the development will be more visible during winter.

15.14 Views from the footpath to the west will be possible given its increased elevation compared to the Rowan House car park which sits lower. Its elevated position offers access to the medium and long distance views out towards the River Colne which will not be affected by this application. Some screening of direct views is achieved through existing planting; however, it is not possible to achieve further screening at this boundary.

15.15 There are no impacts from ambient noise caused as a result of this application.

Impact on Neighbouring Amenity

15.16 In terms of impacts on amenity the most important view to consider is that of the residents of the St. Marys development to the south of the application site. Although the photovoltaic panels are orientated to face south their non-reflective nature will prevent unwanted glare from affecting the residents. Further, owing to the elevated position of the St. Marys development and its height, residents can enjoy medium to long distance views out towards the River Colne and North Colchester.

Amenity Provisions

15.17 It is proposed by the developer that a programme of understorey planting below the existing tree canopy at the northern and southern boundaries of the site be enacted to mitigate any potential impact on views of the application site.

16.0 Conclusion

16.1 The application satisfies planning policy at both a national and local level, boasts clear economic and environmental benefits and has been designed to minimise its visual impacts.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *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 3602-RH-CP- PV-01-F and 3602-RH-CP-PV-02.

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

3 - Materials as Stated in Application

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

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

4 – Schedule of Colour to be submitted

No works shall take place until a schedule of colour for the external materials of the carports hereby approved has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

5 – Additional Inverter Details

Prior to the installation of the hereby approved electrical inverter unit further details of the design, precise siting, positioning, necessary cooling and impact on the existing landscape shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sufficient detail on all aspects of the application have been submitted for consideration in the interests of proper planning.

6 - Archaeological Written Statement of Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been previously submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

7 –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.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

8 - Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding 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 there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

9 – Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

10 – Tree and Hedgerow: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

11 – Limits to Peak Hours Construction Traffic

No construction worker vehicle movements or any deliveries to or from the site shall take place during the peak traffic hours from 07:30-09:30am or from 16:00-18:30pm on weekdays.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the existing levels of traffic already reaching high peak levels during these times.

19.0 Informatics

(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) 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. Please pay particular attention to these requirements.

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.