

Planning Committee

Town Hall, Colchester
13 December 2012 at 6.00pm

This 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

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Private Sessions

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.

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
13 December 2012 at 6:00pm**

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, Philip Oxford and Laura Sykes.

Substitute Members

: All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Nick Cope, Beverly Davies, Annie Feltham, Marcus Harrington, Dave Harris, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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 circulated at the meeting and is available on the council's website by 4.30pm on the day of 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 applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day 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.

Pages

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 off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of 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.

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 and to give reasons for the urgency.

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 judgment 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

1 - 4

To confirm as a correct record the minutes of the meeting held on 15 November 2012.

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.

1. 120412 Butt Road, Colchester
(Christ Church)

5 - 70

Due to special circumstances, the Chairman has agreed to vary the public speaking arrangements for this particular item as follows:- up to three speakers against the application and up to three speakers in favour of the application; each speaker to have up to three minutes each.

Local centre comprising a supermarket, 6 no. retail units, affordable housing and car parking.

2. 120848 Stanway Railway Depot, Halstead Road, Stanway
(Stanway)

71 - 94

Due to special circumstances, the Chairman has agreed to vary the public speaking arrangements for this particular item as follows:- up to three speakers against the application and up to three speakers in favour of the application; each speaker to have up to three minutes each.

Construction of 123 residential properties with associated access roads, footpaths, garages, car parking, cycle parking, infrastructure works, landscaping, fencing, walling, public open space/equipped play space and public highway works.

3. 121902 152 High Street, Colchester

95 - 142

(Castle)

Enlarged and refurbished Williams and Griffin store including part demolition and rebuild, remodelling of external elevations and internal alterations.

4. 121905 152 High Street, Colchester **143 - 151**
(Castle)

Demolition of part of Williams and Griffin store.

5. 121895 2 Morello Court, Colchester **152 - 156**
(East Donyland)

Erection of single storey conservatory to rear of property.

- 8. Appeal procedure relating to grants // land from Wormingford to Abberton including Abberton Reservoir, Peldon Road, Abberton 157 - 160**

See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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).

**PLANNING COMMITTEE
15 NOVEMBER 2012**

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Peter Chillingworth*,
Helen Chuah*, Sonia Lewis*, Cyril Liddy*, Jon Manning,
Nigel Offen, Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Will Quince for Councillor Nigel Chapman
Councillor Marcus Harrington for Councillor John Elliott*
Councillor Michael Lilley for Councillor Stephen Ford
Councillor Terry Sutton for Councillor Jackie Maclean

(* Committee members who attended the formal site visit.)

55. 121547 14 Honywood Road, Colchester, CO3 3AS

This application had been deferred from the Committee meeting on 1 November 2012 in order to give residents more time to consider late amendments received. The Committee also gave the Head of Environmental and Protective Services delegated power to approve the application in the event that agreement had been reached between the residents and the applicant prior to this meeting. The Amendment Sheet reported that such agreement had been reached in relation to the boundary treatment and therefore the application was withdrawn from consideration at this meeting.

56. 121189 Units 3-5 Albany Gardens, Haven Road, Colchester, CO2 8HT

Councillor Sutton (in respect of his company being the managing agent for this site) declared a disclosable pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

The Committee considered an application for the removal or variation of Condition 56 attached to planning permission F/COL/02/1306, that required the use of the identified workspace units for B1 (Business) purposes. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

57. 120846 Pearl Walk, Wivenhoe, CO7 9GS

The Committee considered an application for the conversion of three commercial units into residential use comprising three two-bedroomed ground floor apartments. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the

locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the legal agreements for affordable housing, which would be provided within the Garrison development, and that any permission would be subject to contributions for the provision of open space and also community facilities.

Kevin Read, Wivenhoe Town Councillor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Town Council were pleased that one commercial unit had been sold and wanted the remaining commercial units to be marketed for a longer period in the expectation that it would lead to their retention and consequently encourage local employment. The Town Council were concerned both at the parking provision being below the standard adopted in 2009 and the lack of any private amenity space for any of the units which could lead to chairs being put out on the fronts of the properties. The Town Council also wanted the affordable housing contributions to be ring fenced for the next available opportunity within the local area.

Members of the Committee were similarly disappointed at the prospect of the units being converted to housing but recognised that Taylor Wimpey and agents had taken reasonable steps to market the units which had been only partially successful. They acknowledged that the parking provision was inadequate but that there was no means of any increase in spaces and this was an urban location where parking standards could be relaxed. There was some support for a longer period for marketing the units with a suggestion that the price may need to be reduced to be successful. There was also disappointment that the affordable housing was to be located outside of Wivenhoe.

Members acknowledged that it would be undesirable to leave these properties vacant indefinitely and taking into consideration the circumstances which were a material consideration, there did not appear to be any option but to accept the proposal.

Members requested that if the cycle parking facilities within this development were not covered, there be a condition imposed to require that they were protected from the elements.

It was explained that if the cycle parking provision referred to was that which was currently provided within the parking area and if that provision was not covered, an appropriate condition could be added.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for receipt of any objections raised by outstanding consultees to the prior completion of a Section 106 legal agreement, and subject to there being no objections,

(b) Upon receipt of the following:-

- a satisfactory Section 106 Legal Agreement to secure plot 41 at the Garrison L+N site as an affordable housing unit, and
- a satisfactory unilateral undertaking to secure contributions towards community facilities, and open space, sport and recreation facilities, in accordance with the

the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report together with an extra condition to provide covered cycle parking in the event the existing cycle parking was not covered.

58. 121676 12 Ash Grove, Wivenhoe, CO7 9HJ

The Committee considered an application for a proposed single storey side and rear extension to form an enlarged kitchen, study, third bedroom with ensuite and utility room. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

James Ryan, Planning Officer, attended to assist the Committee in its deliberations. He referred to a bungalow nearby which had been similarly extended, and to additional information on the Amendment Sheet. He considered that the proposal was within tolerable levels and was therefore acceptable.

Mr Moye addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned at the size and the height of the extension. The existing ridged roof would be extended towards his property, which was set at a lower level, and the roof would therefore have an enormous visual impact. It would block daylight and sunlight from his living area, lounge, kitchen and conservatory, especially in the autumn. He was of the opinion that the extension of the ridge would render the bungalow out of character with the rest of the estate which mainly comprised two bedroomed bungalows.

Wendy McMahon addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Their architect had taken care to make sure the proposed extension was in keeping with the area. There would be 2.6metres between the extension and the end of adjacent properties. They had taken into consideration any possible material impact of harm and that the impact of loss of light was kept to an acceptable level. The ridge line would be further away from the neighbours' boundaries to minimise adverse impact. She appreciated it was a relatively large extension but it did conform to the regulations.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He considered that this proposal would have an overbearing impact on numbers 11 and 13 Paddock Way; because there was not much space between these properties and the application site. He accepted that the development was within the guidelines, but the extension would almost double the size of the bungalow and he considered that it should adhere to the spirit of the law. The objector's property was lower than the application site and the roofline which would extend towards his property. Such a development in this area was quite rare and he considered that this would set a precedent for single storey bungalows; it was out of character and over

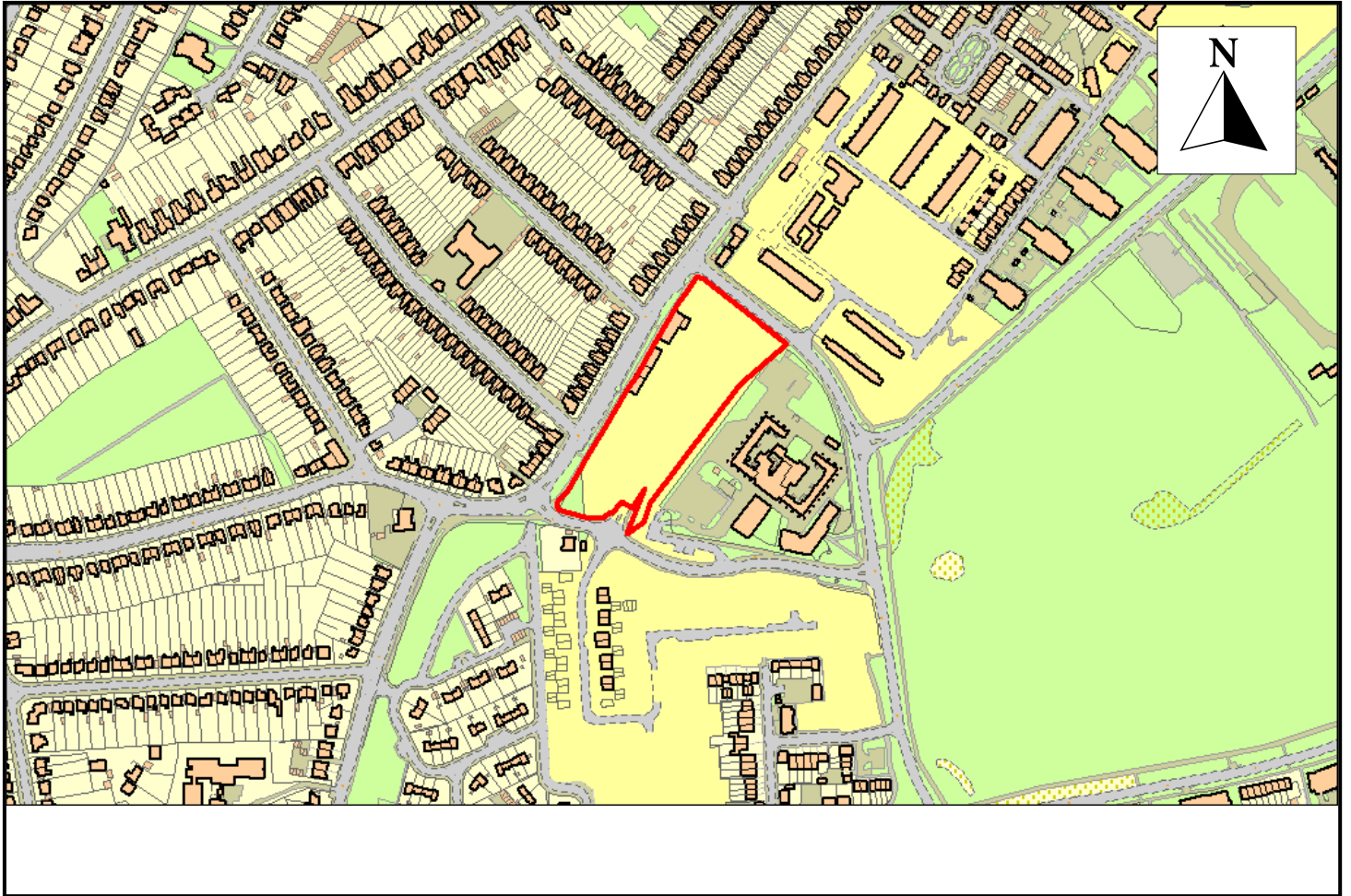
development and impacted on neighbours' amenity and light. He asked whether officers could mitigate the effect of the roof line to reduce the impact on adjacent properties.

The planning officer demonstrated the line of the sun, which, for much of the year would be high in the sky. Although there would be an impact in winter, it was questionable whether or not it would be harmful. Although the ridgeline would slope down, he confirmed that the gable end would have an impact on the neighbour. This would be one of the larger developments in the area, and it would mirror an extended bungalow at the other end of the road. He considered that a refusal would not be sustainable on appeal. The ridged roof could be amended by a flat roof, but it was not materially harmful enough to warrant a flat roof and therefore they had not sought to get the scheme amended.

Members of the Committee accepted, somewhat reluctantly, that the proposal met all the criteria, but there was a request for the removal of permitted development rights to prevent any further extensions. Some members were of the opinion that once the extension was built neighbours may find it would not cause demonstrable harm to their amenity nor would it lead to a loss of light on the living areas. It had been noticed that there were some conifer trees on the common boundary which in time would grow taller.

The planning officer confirmed that permitted development rights could be removed.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with an extra condition to remove Class A permitted development rights.



Application No: 120412

Location: Butt Road, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **13 December 2012**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Vincent Pearce

MAJOR

Site: Butt Road, Colchester

Application No: 120412

Date Received: 29 February 2012

Agent: Martin Robeson Planning Practice

Applicant: Tesco Stores Ltd

Development: A local centre comprising a supermarket, 6 no retail units, affordable housing and car parking.

Ward: Christ Church

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

1.0 Introduction

1.1 This application was deferred by the Planning Committee at its meeting on 14 June 2012 for further assessment of highway capacity and safety matters and the clarification and issues associated with delivery routing. The original committee report, together with the minutes, is set out in Appendix 1.

2.0 Consultations

2.1 Spatial Policy and Transportation Team – No objection

2.2 Highway Authority – No objection subject to the provision set out in the original report.

2.3 Ardent Consulting Engineering

- 2.31 Ardent Consulting Engineers (ACE) has been appointed by Colchester Borough Council to undertake an audit of the documentation on transport matters prepared by Waterman in support of this planning application.
- 2.32 ACE has advised that Waterman has derived a robust estimate of the predicted traffic associated with the proposed Tesco foodstore. ACE have checked that the projected background growth factors have been applied to the observed turning movements correctly and the predicted traffic associated with the various retail and residential developments added correctly to give the Base and Development Case flows in the Friday pm and Saturday midday peak hours in a future year of 2017.
- 2.33 ACE have confirmed that they are content that the Butt Road/Goojerat Road roundabout has been modelled correctly, which demonstrates that it would operate within capacity in all scenarios and the predicted development traffic would have a minimal impact on its operation in both peak hours.
- 2.34 Following receipt of additional information from Waterman, ACE has also confirmed that they are content that the Goojerat Road/application site roundabout has been modelled correctly. This demonstrates that it would operate well within capacity in all scenarios and the predicted development traffic would have a minimal impact on its operation in both peak hours.
- 2.35 ACE have also assessed Waterman's capacity modelling of the Butt Road/Layer Road/Drury Road signal junction and have confirmed that this junction will operate within capacity in all scenarios and the predicted development traffic would have a minimal impact on its operation.
- 2.36 The change in traffic flows have been assessed and ACE have confirmed that increases set out in the STS are of a magnitude that would not have a discernible environmental impact
- 2.37 ACE have confirmed that the accident record on the local highway network is 'good' and the width of the footways are adequate to accommodate the observed pedestrian flow levels.

3.0 Member Engagement

- 3.1 The Councillors from the Christ Church and Shrub End Wards attended a meeting with Tesco, their planning and highway consultants and the case officer. The purpose of the meeting was to up-date Members on the additional highway assessment work that had been undertaken following the Planning Committee's decision to defer this application.
- 3.2 There was general acceptance by Members that, in the light of the advice received from the Council's appointed Highway Consultant, the submitted Supplementary Transportation Statement (comprising survey methodology, modelling and its conclusions) formed a robust assessment of the highway and transportation implications of the proposed new food store and associated development.

4.0 Representation

4.1 A number of letters of representation have been received in respect of the additional information submitted.

4.2 The objection comments can be summarised as follows:

- There is no acknowledgement of the increase in traffic in the residential streets.
- There is no indication of whether traffic flows for the ladder roads are in addition to the figures as per the ECC 2011 traffic survey.
- There has been insufficient assessment into the effect on the increased traffic to the roads surrounding the proposed development
- We are told that the "ladder roads" are well within their designated capacity, but not told what this capacity is or how it is measured
- The reports are based on 2 inspections and this is not sufficient.
- The assertion that the customers will only come from within 1000m of the store is without any factual basis
- There is insufficient assessment into the effect of the increase of traffic
- Congestion is already a problem we do not need this store
- The increase in traffic will affect the amenity of local residents
- There is no need for the store; it will damage vitality of nearby shops
- The increase in the size of the store is unacceptable.
- The development will lead to an increase in litter
- The affordable housing is a good thing but doubt whether this will go ahead
- Opening hours are of a concern as Butt Road is busy, but in general by 7.30 in the evening it has quieted down. If the store is open until 10 or even 24hours it would be a disaster

4.3 Comments made in support of this application can be summarised as follows:

- It will provide local employment
- The store will increase choice and competition in the area
- It will provide the local community with a chance to go grocery shopping on foot or on their bike rather than having to drive to other stores.
- The plan allows for a reasonable amount of parking spaces which hopefully should mean that adjacent areas will not see their parking situation worsen.
- While it is obvious and certain that the store will attract new traffic to that particular spot, it is also likely to impact in a positive way on already existing traffic flows down Butt Road and towards the town centre
- People are objecting to the size of the store, but it must be recognised that in this respect the proposed location is actually pretty good since the store is partially surrounded by existing non-residential buildings. Having said that, all the necessary measures need to be put in place to ensure that the safety of pedestrians and cyclists in the area is guaranteed.

5.0 Report

- 5.1 The main planning issues generated by this planning application are set out in the original officer report; this supplementary report considers the additional transportation information that has been submitted in response to the concerns raised by the Planning Committee in respect of this application.

Highway and Transportation Policy Context

- 5.2 As stated in the original report, the National Planning Policy Framework (NPPF) focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.3 Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration).
- 5.4 Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists.

Traffic Generation

- 5.5 The Transport Statement that formed part of the original application submission concentrated on the capacity of the roundabout junctions of Butt Road with Goojerat Road and Goojerat Road / Local Centre / Access Road to Area L & N.
- 5.6 The scope of this Transport Statement was agreed with Essex County Council, the Highway Authority for Colchester, and was informed by the fact that the Neighbourhood Centre forms part of the Garrison development and the surrounding highway network has been improved to accommodate this development. An assessment of the wider highway network was not considered necessary as the Highway Authority did not anticipate that traffic flows generated by this proposal would be greater than 10% - the local threshold used to determine when a more detailed assessment of a junction's capacity is considered necessary.
- 5.7 The original Transport Statement concluded the existing mini-roundabouts on Butt Road and Goojerat Road would work within capacity and would only result in minor changes in traffic flows and mean queue lengths. The Highway Authority did not raise an objection to the modelling work set out in the Transport Assessment.

- 5.8 Following the Planning Committee's decision to defer this application, the applicant commissioned further survey and highway assessment work. This work included: base-line traffic surveys for Butt Road, Maldon Road, Layer Road, Circular Road West, Drury Road and all the residential ladder roads in between; pedestrian and cycle movements in the vicinity of the site (including the Drury Road footways between Layer Road and St Helena Road); and a review of existing collisions on the surrounding highway network. This work forms part of the recently submitted Supplementary Transport Statement.
- 5.9 The applicant also offered to fund the cost of the Local Planning Authority employing an independent highway consultant to review the Transport Statements. The Council has accepted this offer and selected Ardent Consulting Engineers (ACE) to undertake the review of the submitted Transportation Statements and associated documentation. ACE has extensive experience of advising on the transport impact of development proposals both throughout Essex and including new retail stores for supermarkets.
- 5.10 In order to assess the traffic impact of the proposed local centre on the 'ladder' roads and wider highway network in greater detail, new extensive traffic surveys have been undertaken. The STS states that the surveys were undertaken on Friday 13th July 2012 (between 07:00-10:00 and 15:00-19:00) and on Saturday 14th July 2012 between 11:00 -15:00. In addition, a directional Automated Traffic Count (ATC), including vehicle classification and vehicle speeds has been undertaken on the residential ladder roads for a period of a week beginning on the 11th July 2012, prior to the summer school holidays. To understand the existing pedestrian movements in the vicinity of the site pedestrian surveys were undertaken on the same date and time periods as the above traffic surveys, at the Butt Road / Circular Road West signalised junction, the Goojerat Road / Butt Road – Mini-Roundabout Junction, Layer Road / Butt Road / Drury Road signalised junction and the section of Drury Road between junction with St Helena Road and Layer Road for both the southern and northern footways. The cycle movements have been extracted from the observed traffic surveys for the extent of the local highway network under consideration.
- 5.11 In accordance with the Department for Transport Guidelines on Transport Assessments, an assessment 5 years post planning submission year (2017) has been undertaken. The Department for Transport (DfT) traffic growth methodology has been applied to the 2012 observed traffic flows using forecasts from TEMPRO and the National Transport Model (NTM).
- 5.12 The current planning application proposes the following development:
- A food store of 2,755sq.m Gross Floor Area (GFA);
 - Six no. retail units located within the refurbished building fronting Butt Road (with a total GFA of 622sqm) and with 2 parking spaces reserved for the servicing of the non-food retail units;
 - The Local Centre will be served by 168 car parking spaces and the housing by 20
 - Six no. 2 bed town houses and 8 no. 1bed apartments with associated parking

5.13 In order to assess the effect of this development proposal on the local highway network the TRICS (Industry Standard Traffic Generation Database) has been interrogated for comparable food stores and local shopping centres. The Trip Rates for the food store and non-food retail local shop elements of the development are set out in Table 3 of the STS and shown below:

Food Store and Local Shops Traffic Generation – Proposed Scheme

Time	Arrivals	Departures	Two Way
Friday AM Peak Hour	115	82	197
Friday PM Peak Hour	195	196	391
Saturday Midday Peak Hour	211	213	424

5.14 It is important to note that the application site is already the subject of two detailed planning approvals for a local centre and residential development (referred to as Areas K1 and K2). The extant approved development is detailed below:

K1 1,615sq.m GFA total, comprising of;

- Blocks A-C Non-food retail unit 310sq.m
- Block D Non-food retail unit 225sq.m
- Block E A1 / A2 180sq.m
- Block F A1 / A2 900sq.m

K2 1,459sq.m GFA total, comprising of;

- Food Retail Unit 730sq.m
- Non Food Retail Unit 243sq.m
- Non Food Retail Unit 243sq.m
- Non-food Retail Unit 243sqm
- 14 residential units

5.15 The traffic generation associated with the extant planning permissions is considered by the STS using the TRICS database (on the same basis as the proposed Local Centre). The Trip rates for the approved development are set out in Table 6 of the STS and are shown below:

Food Store and Local Shops Traffic Generation – Approved Scheme

Time	Arrivals	Departures	Two Way
Friday AM Peak Hour	105	87	192
Friday PM Peak Hour	148	149	297
Saturday Midday Peak Hour	151	147	298

5.16 The net increase in traffic associated with the current application can be established by subtracting trip rate for the proposed local centre from the approved scheme trip rate. The net increase in trip rates is set out in Table 7 of the STS and is shown below:

Net Increase in trips based on the TRICS Database

Time	Arrivals	Departures	Two Way
08:00-09:00	10	-5	5
16:00-17:00	47	47	94
12:00-13:00	60	66	126

5.17 ACE has advised the Council that they concur with the existing network peak hours and that the worst case is being considered in terms of the total flow for both the Friday and Saturday peak hours. Ardent has also advised that they consider that the predicted trip attraction is robust for both peaks.

Traffic Distribution and Impact

5.18 The scope of the original Transport Statement was agreed with Essex County Council and concentrated on the capacity of the roundabout junctions of Butt Road with Goojerat Road and Goojerat Road / Local Centre / Access Road to Area L & N.

5.19 The modelling work undertaken as a part of the original Transport Assessment showed that these roundabouts would operate within capacity and that the additional traffic generated by the current proposal would not result in a significant increase in queuing or delays. ACE has confirmed that they are content that these junctions have been modelled correctly and that this work demonstrates that the junctions would continue to operate within capacity in both peaks and that the impact of the development traffic (which has been derived on robust basis) is minimal.

- 5.20 The STS includes capacity modelling of the Butt Road / Layer Road and Drury Road junction. This has recently been converted from a mini roundabout to signals with controlled pedestrian crossing facilities. ACE has confirmed that they are content that this junction has been modelled correctly and that this demonstrates that the junction will continue to operate within capacity in both peaks and the impact of the development traffic is minimal.
- 5.21 The STS refers to the Inspector's decision (made in August 2012) on the appeal against this Council's refusal of the planning application to extend the existing former Drury Arms Public House providing back of house storage facilities with a refurbished larger retail sales area. While this application attracted local opposition on the grounds of traffic impact and highway safety, and whilst the appeal was dismissed, the Inspector did not consider highway capacity or safety to be of material concern. For this reason the STS does not assess the highway implications of re-using this building.
- 5.22 The STS also compares the 2017 future year traffic associated with this application with the extant use flows to determine the increase in traffic on St Helena Road, Constantine Road, Hamilton Road, Errington Road and Salisbury Avenue. These traffic flows are set in the Table 8 of the STS and are illustrated below:

Two-Way Link Flow Assessment - Residential Ladder Roads 2017

St Helena Road			
Peak Hour	Base Traffic	Proposed Traffic Flows	Additional Traffic
AM Peak	186	185	-1
PM Peak	257	267	10
Saturday Midday	125	137	12
Constantine Road			
Peak Hour	Base Traffic	Proposed Traffic Flows	Additional Traffic
AM Peak	87	87	0
PM Peak	75	79	4
Saturday Midday	61	68	7
Hamilton Road			
Peak Hour	Base flows	Proposed Traffic Flows	Additional Traffic
AM Peak	78	78	0
PM Peak	51	52	1
Saturday Midday	45	48	3
Errington Road			
Peak Hour	Base flows	Proposed Traffic Flows	Additional Traffic
AM Peak	129	130	1
PM Peak	143	149	6
Saturday Midday	104	111	7
Salisbury Avenue			
Peak Hour	Base flows	Proposed Traffic Flows	Additional Traffic
AM Peak	143	144	1
PM Peak	174	183	9
Saturday Midday	127	138	11

5.23 Based on the trip rates set out in the STS, the change in traffic flows on the five parallel “ladder” roads vary between -1 and +11; these figures are all well below the increase of +30 movements per hour in the DfT/DCLG TA Guidance.

- 5.24 The STS cites the Institute of Environmental Impact Assessment (IEA) *Guidelines for the Environmental Assessment of Road Traffic* (1993). This sets out a threshold of a +30% increase in traffic for including a link within an Environmental Impact Assessment (EIA), reduced to +10% in sensitive areas (defined as locations with accident black-spots, conservation areas, hospitals, links with high pedestrian flows). The increases in flows based on the trip rates and distribution set out in the STS are generally below 10%. The STS also opines that the increase in flows is within the daily variation (also +/-10%, as stated in the IEA Guidelines).
- 5.25 ACE has advised the Council that they concur with the view set out in the STS that the surrounding area would not be defined as “sensitive” based on the definition in the IEA guidelines, and that increases of the magnitude anticipated would not have a discernible environmental impact.
- 5.26 The Highway Authority has advised that advice on traffic capacity of urban roads is set out in the Design Manual for Roads and Bridges. The capacity of roads is measured in one-way hourly flows in each direction and depends on the carriageway width. The Highway Authority has advised that the manual states that the capacity of a road with a carriage width of 6.1m is 900 vehicles per hour; a 6.75m road is 1100 vehicles per hour and a 7.3m road is 1300 vehicles per hour. The predicted traffic flows for the current application are well under these figures.
- 5.27 The concern expressed by many local residents is that the increase in traffic associated with the proposed store would have a detrimental impact on the residential amenity of the area. While these concerns are appreciated, the predicted net additional traffic generated by the current application is not considered to be of such a magnitude that it will have a significantly detrimental impact on the amenity of nearby residents. It is also important to note that an environmental noise assessment was submitted as a part of this application and this concluded that the proposals “*would result in an imperceptible increase in noise and hence there can be no detriment to residential amenity ... by reason of road traffic noise*” (paragraph 8.3). It was not necessary to submit an Air Quality Assessment as a part of this proposal as the application site does not fall within or immediately adjacent to an Air Quality Management Air. It should be noted that Environmental Control has not raised any concerns regarding the potential for pollution from vehicular traffic.
- 5.28 In view of the above, it is not considered that the proposed development would prejudice the aim of Policy DP1 which seeks to protect public amenity. Moreover, the NPPF advises that development proposal should only be refused on transport grounds where the impacts of the development are severe. Both the Highway Authority and ACE have advised the Local Planning Authority that current proposal is acceptable in terms of highway capacity; it is not considered that the current proposal can be described as having a severe impact on the local highway network and therefore refused on highway capacity grounds.

5.29 Comment has been made that customers are more likely to travel to the store by car rather than on foot or bike. Even if this should prove to be the case, it has to be remembered that the roads will continue to operate within capacity (without detriment to highway safety). Furthermore, it is likely that some people would already be on the highway network and would stop at the proposed store on their way to or from another destination. The applicant also notes that the provision of a food store at this site would assist in reducing the number and length of food shopping trips from the Butt Road area to existing Colchester food stores; this reduction in car journeys is a positive in sustainability terms.

Pedestrians

5.30 The pedestrian surveys have also been undertaken as a part of the STS; this includes a survey of the southern section of Drury Road footway that runs between St Helena Road and Layer Road. The survey results show 28 pedestrian movements on the south side of Drury Road between St Helena Road and Layer Road in the weekday am peak hour, compared to 17 in the weekday evening peak hour and 12 during the Saturday peak hour.

5.31 The TRICS multi modal database has been used to predict the likely number of pedestrian movements to the Local Centre during the weekday AM and PM peak hours. The results indicate a maximum of 47 two-way pedestrian movements during the PM peak. If the number of predicted pedestrian movements are spread through the surrounding residential catchment areas to the north via the ladder roads, east via Butt Road and Circular Road, south via Goojerat and Layer Road and west via Butt Road and Drury Road it is clear the number of additional pedestrian movements will be minimal in terms of overall impact. It is also likely that a number of these pedestrian movements would already be on the footway network and simply divert to the Local Centre. Moreover, it is considered that the effect of the current application in terms of traffic and road safety impacts will not be dissimilar to that planning approval. There is no collision evidence to suggest there is an existing road safety problem on the local highway network and the impact of the development is not considered to be significant in terms of pedestrian movements.

5.32 The STS notes that the section of footway on Drury Road between St. Helena and Layer Road is 1.2m wide on average and opines that the pavements are sufficiently wide to allow pedestrians to pass without the need to use the carriageway. The STS also notes that the observed pedestrian flow rates are low and are not expected to increase significantly as a result of the current development proposal. The STS also comments that the busiest hour is the morning peak when retail activity is lowest so the impact of the proposed development would not significantly affect the a.m. peak period.

- 5.33 The STS has also reviewed the collision data for the Drury Road Southern Footway between St. Helena and Layer Road; no accidents are recorded for this section of highway in the last five years. The STS also opines that the results of the pedestrian surveys show that flows on the southern footway of Drury Road are relatively low during the peak hours. The maximum two-way flow of pedestrians is 30 during the PM peak hour, which equates to one pedestrian movement every two minutes. In view of this, it is not considered that pedestrian guard rails can be justified on highway safety grounds. Furthermore, the installation of guard rails would reduce the useable width of the footway to about 0.75m (guard rails need to be set back 0.45m from the edge of the carriageway) which would create passing difficulties for pedestrian walking in opposite directions.
- 5.34 The Highway Authority has not raised any road safety concerns in respect of this proposal. ACE has also advised the Council that they concur with view in the STS that providing guard railing on the south side of Drury Road is unjustified on safety grounds and would reduce the useable width of the footway. The installation secured rails would also be impractical due to a number of vehicular access points.
- 5.35 The concerns expressed by local residents in respect of the width of the footways and their use of by children on their way to and from the nearby schools are acknowledged. That said, Members also need to be guided by the professional advice of the Highway Authority and the ACE that the current proposal would not lead to deterioration in pedestrian safety. Members may also be interested to note, that pedestrian safety was raised as an objection by local residents to the proposal to extend the Drury Arms to create an enlarged retail store. The Planning Inspector was of the opinion that these particular concerns did not constitute a reason for refusal.

Road Safety

- 5.36 The STS reviews the number and type of Personal Injury Collisions (PIC) that have occurred on the Local Highway Network over a 5 year period from August 2007 to July 2012. Data was obtained for the full extent of the local highway network in the vicinity of the proposed local centre including Butt Road, Drury Road, Salisbury Avenue, Errington Road, Hamilton Road, Constantine Road and St. Helena Road.
- 5.37 The PIC indicate that there are no locations within the study area where more than three accidents had occurred over this five year period. The junction with the worst record, with three in five years, was that of Butt Road with Layer Road. At the time the accidents occurred, a mini roundabout was in operation; this junction has subsequently been signalised and no accidents are recorded since its signalisation.
- 5.38 The review of the collisions on the local highway network in vicinity of the proposed local centre does not reveal any discernible collisions patterns or problems. In view of this, the STS states that it can be concluded that there are no existing collision problems that will be exacerbated by the development proposal.
- 5.39 ACE has advised that none of the locations within the study area achieved the County's criterion of six or more accidents in five years required to investigate whether there are any common causation factors and if there is any scope for mitigation measures. ACE has confirmed that they agree with Waterman's view that there is no existing accident problem in the area.

Framework Travel Plan

- 5.40 The FTP sets out a package of standard measures to reduce single occupancy car trips to/from the store by staff, including: -
- Appointment of an experienced and/or trained Travel Plan Coordinator to promote the Plan and work with CBC/ECC to implement it, and act as the contact point for staff, keep information displays up to date etc;
 - Introduction of a car-sharing scheme via a dedicated website;
 - Provision of showers and lockers for use by those walking and cycling to work;
 - Provision of information on pedestrian routes in the area;
 - Installation of a free phone in the store to allow customers to order a taxi home;
 - Promotion of a “walking buddy” scheme;
 - Personal travel planning, potentially with incentives to encourage use of more sustainable modes of transport;
 - Provision of cycle parking in accordance with the EPOA standards;
 - Holding “Dr Bike” sessions;
 - Information on local bus services to be displayed near the checkouts;
 - Consideration of minor amendments to shift start/finish times to allow staff to travel to/from work by public transport; and
 - Provision of a free taxi ride home for staff in the event of an emergency.
- 5.41 An initial staff travel questionnaire is also to be completed within three months of the store opening, and this would be completed upon all new staff upon joining as part of their induction. This would then enable aspirational targets for reducing car use to be set. Subsequent surveys would be undertaken one, two and four years after. Surveys of all trips to/from the site by all modes of travel would be undertaken on both a weekday and Saturday every two years.
- 5.42 In addition the FTP states that Tesco would promote internet shopping and home deliveries (with orders picked from the town’s existing Highwood store rather than the one proposed here), and aim to grow this method of shopping by 20% per year.
- 5.43 ACE has advised that the proposed package of Travel Plan measures is considered appropriate.

Weight Restrictions

- 5.44 The applicant has offered to fund weight restrictions on vehicles using the four residential roads of St Helena Road, Errington Road, Hamilton Road and Constantine Road. This will prevent these roads from being used by heavy goods vehicles with exemption for access (i.e. serving a dwelling on that road). This means heavy goods vehicles that currently use this road network will no longer be allowed to do so, improving the quality of life of local residents against the existing situation. Salisbury Avenue is excluded from the proposed weight restriction measures as this road forms part of a bus route.

- 5.45 The contribution of £30,000, which has been agreed with ECC, will fund both investigative costs as well as the cost of implementation (traffic regulation orders, signs and lines). This budget is broken down into £10,000 for the investigative costs, including ECC staff costs and consultation, £5,000 for the order making procedure and £15,000 for works (the lines and signs). The Highway Authority has confirmed that they support the principle of introducing weight restriction measures on these roads.
- 5.46 It is proposed that work on introducing the proposed weight restriction limits will start prior to the commencement of any development works on this site and that this requirement will form part of the legal agreement.
- 5.47 In the unlikely event that investigations determine that such restrictions are inappropriate (for example objections are raised by local residents and/or the emergency services) the unspent funds are to be returned to the applicant.

Deliveries control/routing

- 5.48 It is proposed that delivery vehicles under Tesco's control will follow a legally binding route. Essex County Council recommendation is for the following route to be used "A12 (J26) at Eight Ash Green, Essex Yeomanry Way, Tollgate Road, Warren Lane, Shrub End Road, Drury Road, Butt Road, Goojerat Road. This route has been proposed as it keeps vehicles to the main roads and avoids as many residential properties as possible.
- 5.49 The Local Planning Authority has also been advised that it is standard Tesco practice not to deliver during school opening and closing times. Notwithstanding this, it is proposed that delivery times are the subject of a planning condition.

Local Centre Car Park Management

- 5.50 The local centre car park will be owned and managed by Tesco Stores Limited. It is proposed that the car park will be available for use by the public free of charge for a maximum duration of stay of three hours. The three hour duration will allow sufficient time for shopping in the Local Centre. The car park will be managed to prevent it being used for free long stay parking for Colchester town centre employees and visitors.
- 5.51 The three hour maximum duration of stay would be enforced by an Automatic Number Plate Recognition System (ANPR). This system uses specialist cameras located at the vehicular entrance to the car park to identify vehicle number plates and the time of entry into the car park. Another camera is provided at the exit which records when a vehicle leaves the car park. The recorded number plates on entry and exit are extracted into a database which compares the entry and exit times and determines any vehicles that have exceeded the maximum duration of stay. The enforcement of this limit will be undertaken by a car park management company on behalf of Tesco Stores Limited, and has been successful across the Country in managing the use of car parks.
- 5.52 Residential visitors (for the 14 units proposed as a part of this development) can park in the car park and will be excluded from the system by simply providing the car registration details to the store customer services. It is recommended that this arrangement forms part of the proposed legal agreement.

Other Issues

- 5.53 A number of other issues have been raised as a part of the re-consultation exercise.
- 5.54 There is no need for the store; it will damage vitality of nearby shops. The issue of need and competition is discussed in the main report (see para 14.19). The same issue was also raised at the Drury Arms planning appeal and the Inspector stated that “it is not the function of the planning system to determine whether another convenience shop is needed. Furthermore, neither is its purpose to protect individual traders”. The Inspector went on to state that the NPPF does not seek to prevent competition and that in seeking to build a strong economy the NPPF does not distinguish between small, locally-run businesses and national companies. The issue surrounding the increase in the size of the store is discussed in the main report (para 14.6-14.27)
- 5.55 Concern has been expressed about trolley control. The applicant has advised that there will be designated trolley bays within the local centre. The designated trolley areas adjacent to the entrance are clearly identified on the site layout plan. These will be defined by guide rails and will be covered by the canopy of the building. The trolley bays within the car park are proposed to be covered with timber framed transparent enclosures. In response to local requests, there will be trolleys to fit specific requirements (e.g. toddler trolleys) and all trolleys will benefit from a coin-lock system and staff management to reduce misuse. It is proposed to add a condition to cover this matter accordingly.
- 5.56 Concern has been expressed about litter generation. The applicant has advised that litter bins will be provided within the local centre and the management of these litter bins will be undertaken by Tesco. This will secure a clean and tidy local centre. The applicant has also agreed Heads of Terms which provides a contribution towards the installation and maintenance of five litter bins within the immediate area of the local centre. It is proposed to add a condition to cover the provision and maintenance of the litter bin within the local centre; the provision of the litter bins in the immediate area will form part of the proposed legal agreement.
- 5.57 The issue of delivering proposed affordable housing is raised. This is discussed in the main report (para 14.72-14.75).

6.0 Conclusion

- 6.1 The Supplementary Transport Statement and associated documents demonstrate to the satisfaction of the Highway Authority and the independent highway consultant appointed to advise the Council that this development will not have an unacceptable impact on the surrounding highway network and/or highway safety. Given this, and in absence of any technical information to the contrary, it is not considered appropriate to deviate from the advice of the Highway Authority or ACE that this proposal (subject to a package of works secured by condition or legal agreement as appropriate) is acceptable.

7.0 Recommendation

- 7.1 It is recommended that this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided that a legal agreement is signed (within 4 months of the date of this Planning Committee) to cover the items set out under the s106 heading of the original report. On the signing of such an agreement the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the conditions set in the main report and those out below:-

Additional Conditions

Prior to the commencement of works, additional drawings that show the locations of the designated trolley storage areas, the guide rails and covered structure, together with a management plan for the control of trolley shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

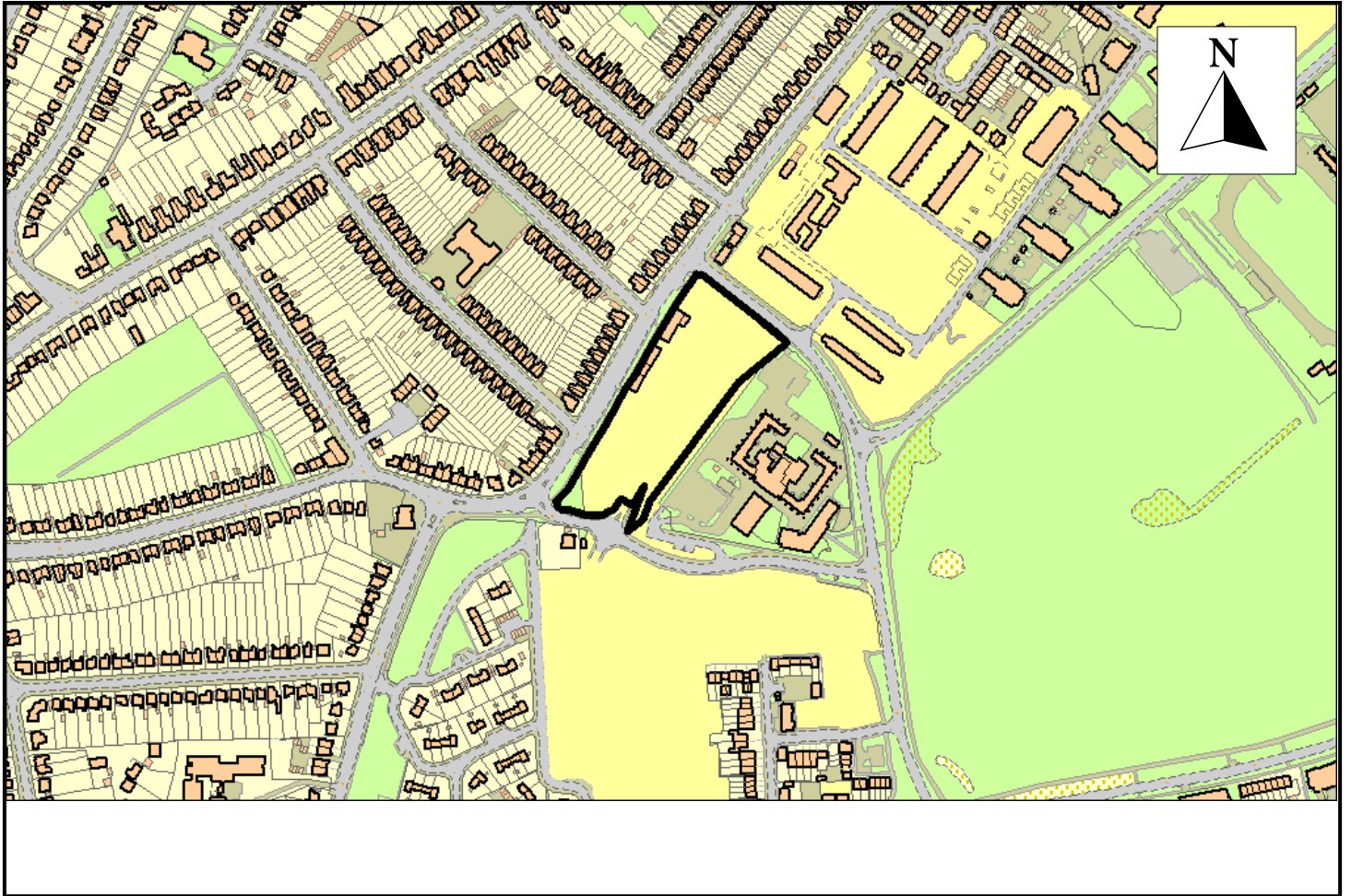
Reason: To ensure that appropriate arrangements are made for storage and management of trolleys and to safeguard the visual amenity of the area and to reduce the potential for the misuse of trolleys.

Prior to the commencement of development, details of the design, numbers and locations of the litter bins within the local centre, together with a management plan for their routine maintenance / emptying shall be submitted to and approved in writing by the Local Planning Authority. The litter bins shall be installed in accordance with the agreed details prior to the opening of the foodstore.

Reason: To ensure that appropriate arrangements are made for the collection of litter within the local centre.

Positivity Statement

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: 120412

Location: Butt Road, Colchester

Scale (approx): Not to scale

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7.1 Case Officer: Alistair Day

MAJOR

Site: Butt Road, Colchester

Application No: 120412

Date Received: 29 February 2012

Agent: Martin Robeson Planning Practice

Applicant: Tesco Stores Ltd

Development: A local centre comprising a supermarket, 6 no retail units, affordable housing and car parking.

Ward: Christ Church

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

1.0 Introduction

1.1 This planning application has been referred to the Planning Committee because:

- a) Objections have been received to the proposed development; and
- b) A legal agreement is required for the obligations set out in the report.

2.0 Synopsis

2.1 This planning application proposes the erection of a foodstore, 6 small retail units and 14 residential units with associated ancillary development. The major objections to this application relate to the fact that the proposed foodstore is larger than that previously approved; there is an over provision of foodstores in Colchester; it will adversely impact on existing businesses and will result in highway capacity and safety problems. Letter of support have also been received in respect of this application stating that the proposal will create jobs, provide for weekly and local food shopping and regenerate this part of Colchester. The report reviews the issues raised by this development proposal and provides a recommendation that the scheme is acceptable, subject to a s106 legal agreement being signed and the attachment of appropriate conditions.

3.0 Site Description and Context

3.1 The application site comprises the former PSA site (known as Area K2 of the Garrison Urban Village Development) and the disused garrison land and buildings to the north (known as Area K1). The site extends to an area of 1.28 hectare.

- 3.2 The application sites lies approximately 0.8km to the south of Colchester town centre. To the west of the site is Butt Road and an area of established residential housing. To the north of the site is Circular Road West and to the south is Goojerat Road, beyond which is an area of new residential development (currently under construction); this development forms part of the Garrison Urban Village Development and is known as Area L&N. To the east of the site is the Military Police compound.
- 3.3 The Garrison Conservation Area covers the northern part of the site and the retained buildings along the Butt Road boundary wall are included on the Local List of Building of Architectural or Historic Interest. The site contains a number of mature trees; there are three trees towards the centre of the site and a small group of trees at the south west corner of the site; the group of trees and one of the central trees (a Lime) are protected by a Tree Preservation Order.

4.0 Description of the Proposal

- 4.1 The planning application is for a local centre comprising a supermarket (2,702sqm gross – sales area 1,328sqm), six no. retail units within the locally listed former Garrison buildings (533sqm gross – sales 450sqm), associated car parking spaces and 14 no. affordable housing units with associated private amenity space and parking. Access to the local centre will be via the existing mini roundabout on Goojerat Road; the residential units will be accessed via Circular Road West.
- 4.2 The application has been submitted in full and covers the whole site.

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area

6.0 Relevant Planning History

- 6.1 100981 - Application for change of use and conservation of former MOD occupied single storey buildings (Blocks A, B C D1 & D2) to create 535m² (A1 Retail and A2 Financial and Professional services) accommodation, along with associated works – Approved
- 6.2 100982 - Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m² A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. affordable units (Block F) with associated works – Approved
- 6.3 100983 – Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m² A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. affordable units (Block F) with associated works – Approved
- 6.4 102537 - Extant permission to extend time limit for implementation of reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking. (Reserved matters reference 090905) - Approved

- 6.5 090905 - Reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking.
- 6.6 O/COL/06/0783 - Demolition of existing offices and construction of food store and shops with associated parking
- 6.7 F/COL/04/0716 Variation of condition 02 of planning permission O/COL/01/0692 to further extend the period for a further two years in which to submit a reserved matters application - Approved.
- 6.8.1 F/COL/01/0692 Application to vary condition 1 of planning permission COL/98/0947 to further extend the period (for a further 3 years) in which to submit a reserved matters application - Approved.
- 6.9 O/COL/01/0009 A new urban village comprising residential development (up to approx 2600), mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highway & transportation improvements associated and ancillary development in accordance and subject to the provisions of the master plan
- 6.10 98/0947 – Outline application for the erection of food store and shop units (Renewal of Application COL/94/1423).
- 6.11 95/1432 - Outline application for the erection of food store and flats with ancillary car parking and highway works - Refused 7 March 1996.
- 6.12 94/1423 - Outline application for erection of food store and shop units Approved 7 March 1996

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

7.2 Adopted Colchester Borough Core Strategy Policies (October 2008):

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres
- CE2c - Local Centres
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- 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
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 Development Policies

In addition, the following are relevant: Adopted Colchester Borough Development Policies (October 2010):

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP7 Local Centres and Individual Shops
- DP10 Tourism, Leisure and Culture
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- 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
- DP25 Renewable Energy

7.4 Site Allocation Policies

Adopted Borough Site Allocations Policies (October 2010)

- SA GAR1 Development in the Garrison Area

7.5 In addition, the following Supplementary Planning Documents are relevant:

- Adopted Garrison Master Plan and Development Briefs
- Essex Design Guide
- Parking Standards

8.0 Consultations

Planning Policy:

- 8.1 The site is located within an area that was allocated as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. Policy GAR1 provides for a 1000sqm (foodstore and three small shops); this policy does however note that 'the levels of development [set out on policy GAR1] should not be considered prescriptive but a guide to inform development proposals'. The proposal exceeds the guideline figures, in that the proposed foodstore is 1,328sqm (net), and six retail units are proposed rather than three. The key policy concern accordingly is whether this size increase would change the role played by the development in Colchester's spatial retail hierarchy.
- 8.2 The size of the supermarket at 1,328sqm is below the 2,500 m² (net) figure provided in the PPS4 definition of a supermarket, with larger stores falling into the 'superstore' category. The Retail Statement notes that Colchester's Urban District Centres, the next tier up in the hierarchy, are anchored by superstores. The increase in size of the Butt Road scheme from the policy guideline of 1000sqm is not considered to move the proposal outside the Neighbourhood Centre category, particularly when it is accepted that 'the function and attraction of the Centres should vary in-so-far as them providing for varying levels and densities of population' (3.18).
- 8.3 The intent of the applicant to conform to guidelines for Neighbourhood Centres is certainly clear from the Retail Statement, but importantly the intent will need to be realised by ensuring that the development as built adheres to the principles implied by Neighbourhood Centre status and as covered by relevant LDF policies. These include:
- Limiting the size of the supermarket and retail units to the agreed total
 - Ensuring the development is well integrated with the surrounding neighbourhood to facilitate sustainable modes of travel to the site (ie walking and cycling) – this encompasses both the internal site layout and its links with the wider neighbourhood
 - Delivery of a high quality design which retains appropriate elements of the Garrison
 - Provision of training and employment measures for local residents.
- 8.4 The Retail Statement also addresses the extent to which the six proposed retail units are in accordance with the development plan, noting that 'the retail units are of an acceptable scale for their role in providing a wider range of shops and services (than the supermarket alone can provide) for the needs within the catchment.'
- 8.5 The applicants have proposed inclusion of housing on the remainder of the site not needed to accommodate the Neighbourhood Centre retail. This use is considered acceptable in principle.

- 8.6 The northern half of the proposal site incorporating residential development lies within a Conservation Area. The design of the housing units should accordingly have regard to the local setting and be of a high quality in line with Development Policy DP14 (Historic Environment Assets). The importance of design is also highlighted in Core Strategy Policy UR2 (Built Design and Character) and Development Policy DP1 (Design and Amenity). The provision of open space appears limited and may not accord with the private and public open space requirements of DP16 (Private Amenity Space and Open Space Provision for New Residential Development).
- 8.7 The current proposal represents a variation from the Garrison Masterplan given the increase in retail floorspace. As a new application, it should accordingly be subject to the usual range of planning obligation requirements as provided by Core Strategy Policies SD2 (Delivering Facilities and Infrastructure) and SD3 (Community Facilities).

Transportation Policy:

- 8.8 The proposal presents opportunities to link up the existing cycle path on Butt Road which currently terminates opposite Gladwin Road. To improve cycling accessibility to the new store and its catchment area, a contribution should be sought from Tesco to extend the cycle path along Layer Road to Boadicea Way (as identified in the Cycling Delivery SPD). It is important that the cycle path that runs along Goojerat Road connects up with the cycle path on Butt Road. A crossing for cyclists/pedestrians will be required across the scheme vehicular entrance.
- 8.9 The commitments to travel planning are noted and this should be secured through condition/Section 106 agreements as appropriate.
- 8.10 The number of car parking spaces is accepted, but it is noted that the dimensions of 5 X 2.5 metres are minimum figures for use in exceptional cases only and that the preferred bay size is 5.5 X 2.9 metres.

Environmental Control

- 8.11 Environmental Control have raised no objection to this application subject to conditions to cover the following: noise and sound insulation; sound insulation of external plant; control of fumes and odours – if the supermarket cooks food and has an extractor system; light pollution; control illuminated signs; refuse storage / recycling and delivery times.
- 8.12 In respect of contamination, Environmental Control have noted that the Contamination Report has identified potential sources of contamination that require further intrusive investigation and risk assessment. Notwithstanding this, it is considered that the site can be made suitable for the proposed use and recommend the attachment of the standard contamination conditions to cover the requirement for further investigation and remediation.

The Planning Projects Team (comprising the former Design and Heritage Unit)

8.13 Urban Designer Officer's initial comments can be summarised as follows:

- The supermarket has been well considered. Its proportions and details make strong references to the style and form of retained garrison buildings.
- The retained Garrison buildings are satisfactory; the canopy across the front façade should be detailed so that window lights above doors are retained as features rather than run through with the canopy which is visually detrimental to the character and justification of the buildings retention.
- The layout of the car park is satisfactory but in principle too many spaces are provided for a local centre and more pertinently at the loss of a satisfactory residential environment to the north.

8.14 In response to the revised drawings, the Urban Design Officer made the following comments:

- The Architectural design [of the residential element] has improved with the latest amendments, however some aspects remain problematic.
- The refuse store appears too small and it is difficult to see how the wheelie bins can be easily removed for emptying. This may be resolved by having a door on road frontage that opens outwards but the space inside remains tight.
- The blank windows on the north elevation are unnecessary and can be replaced with real fenestration. The ground floor flats could have external doors to this elevation and this may also add to the authenticity of the pastiche style.
- The layout remains unsatisfactory with the semi private communal area dominated by parking with the actual amenity spaces being tokenistic with regard to function, having only limited aesthetic value.
- The set back from Circular Road is also inadequate for the size of building within the garrison. To be more sympathetic to the character of the area the residential buildings should be set back more from the street.

8.15 The Landscape Officer has raised no objection to this scheme subject to the attachment of appropriate conditions:

8.16 The Council's Tree Officer is in agreement with the assessment (condition) of the trees. No objection is raised to this application, subject to the attachment of appropriate conditions.

Housing

8.17 The Housing Officer's comments can be summarised as follows:

The affordable housing contribution on this land parcel equates to 8 x 1b flats and 6 x 2b houses making for 14 affordable homes in total. The council's priority tenure requirement is for affordable rented homes so I would want to see all 14 units provided as that tenure.

Regarding the 1.5 clause quoted in the submitted Heads of Terms, the affordable housing should (irrespective of who provides it) be fully completed in a timely manner and no business should start at the proposed store until the completed affordable housing has been successfully transferred to a housing association at a price that will enable all of the units to be offered by them as genuinely affordable rented homes in perpetuity. I would suggest some form of trigger point in the construction of the store is used to address this requirement.

Any proposal that places the responsibility of providing the affordable housing with the Council or in purchasing the affordable housing plots is considered unacceptable.

The Housing Team have not been contacted by any RP regarding this development; the agent has previously been provided with a list of suitable RPs.

There needs to be far more certainty surrounding the affordable housing delivery than has been proposed to date.

Street Services

8.18 Street Services have made a request for 5 litter bins. In respect of refuse storage of the apartment building, Street Services have provided details of the number of bins and size of the store required. They have also requested that a dropped kerb is provided to enable safe and convenient access.

The Highway Authority

8.19 The Highway Authority have raised no objection to this application, subject to the attachment of conditions to cover the following:

- A wheel cleaning facility during construction
- Construction and Service Vehicle Management Plan
- Details of service vehicle delivery times (which should avoid the busiest periods)
- Amendments to layout details relating to access, visibility splays and footpath / cycle path widths
- The upgrading of nearby bus stops to include real time information and the relocation of the north-westbound bus stop in Circular Road West
- A travel plan and contribution towards a travel plan co-ordinator
- A zebra crossing in Goojerat Road
- A £30,000 contribution to cover the Highway Authority's costs to investigate and, if possible, install a weight limit on roads between Butt Road and Maldon Road to include but may not be limited to Constantine Road, Hamilton Road and Errington Road

The Environment Agency

8.20 The Environment Agency has raised no objection to this application, subject to the attachment of appropriate conditions to cover: ownership and maintenance of drainage systems, a scheme to deal with contamination and remediation and surface water drainage from the car park to pass through an oil inceptor.

Natural England

8.21 Natural England do not have an objection to this proposal but have made recommendations to improve the ecology value of the site. Below provides a summary of Natural England's comments:

- The Extended Phase 1 Habitat survey was completed at the wrong time of year however, given that most of this site is actually hardstanding, we do not consider there are likely to be adverse effects to European protected species.
- The development has excellent scope to include green infrastructure (GI) and enhancement measures. We are therefore disappointed that the applicant has not considered features that will improve biodiversity on site such as bird, bee and bat boxes, native planting (using wildflower mix, for example).
- The use of SUDS in this type of development is welcomed.
- This proposal offers an excellent opportunity to incorporate green roofs; which improve insulation levels, help with climate change capability and also provide excellent habitat for invertebrate species including UK BAP species.

9.0 Representations

9.1 At the time of writing this report, approximately 114 letters of objections have been received in respect of this scheme and 9 letters of support.

9.2 The letters of objection can be summarised into five main areas of concern:

The size of the store

- The original outline plan was for a much smaller supermarket and a greater number of small units, with a fewer parking spaces. CBC should reject this plan because it is another example of development creep.
- The proposal does not constitute a 'Local Store'
- A development of this size will draw people from further afield
- The proposal constitutes over development

The need for the store

- The area is already served by four well established convenience stores
- There are too many supermarkets / Tesco supermarkets in the town.
- There are plenty of empty shops in town centre the store should be located there.

Traffic and highway safety issues

- The roads between Maldon Road and Butt Road [the side roads] will become a rat run to the store. The side roads are already under pressure from the school / existing traffic; there are regular delays caused by two cars trying to pass parked cars.
- The Drury Road / Layer Road junction is too dangerous to handle the increase traffic and heavy vehicles that pass through the area.
- The junction of Butt Road / Goojerat Road is a hazard to pedestrian and cyclists; provision needs to be made to make this safer

- The two (pedestrian) entrances onto Butt Road will result in customers parking in Butt Road and running in for quick items
- The residents parking scheme should be extended; the current parking restrictions end at 6pm - after this time it is extremely difficult to get a space as non-residents park there.
- A weight limit should be imposed on Errington Road, Hamilton Road, Constantine Road and St Helena Road to ensure that delivery vehicles do not use these residential streets.
- Controls are required on the routes to and from the Supermarket taking account of noise and traffic for residents on Drury Rd, Butt Rd, Layer Rd.
- In view of the bid for Sainsbury to take over the Drury Arms, the Transport Statement needs to be revisited to take account of the potential for two supermarkets in close proximity
- Traffic calming measures and a 20mph zone are required
- The traffic will create noise and pollution problems

Adverse Impact on residents

- The proposal will result in youths gathering which will cause noise and disturbance to residents; the pedestrian entrance via Butt Road should be controlled in order that the area is secure during non opening hours.
- Access for cars would involve moving the bus stop and the noise created by large lorries and customers cars, would certainly affect the value of adjacent houses.
- Opening hours should be restricted to ensure that the store does not affect the quiet enjoyment of the surrounding residents.
- The store will exacerbate the already difficult parking situation.
- Litter levels will increase

The development is of an inappropriate design

- The new store, even if designed to be 'in keeping' to some extent, would not fit with the established residential character of the area.
- The proposed art work will detract from the street scene of retained buildings along Butt Road.
- The scale of the residential element is not appropriate to the adjacent retained buildings.
- The scheme fails to provide private amenity space and the proposed commuted sum in lieu of this is Tesco buying off the Council.
- Trees and landscaping are being sacrificed for parking, delivery space and size of supermarket.
- The generic architecture is not appropriate for this historic context

Other issues

- Tesco states that they will create jobs - what about the loss of jobs from other shops closing.
- There is no guarantee that the housing or the other retail units will be delivered

9.3 A number of letters of support have been received in respect of this application. The letters of support can be summarised as follows:

- It will provide investment into this part Colchester.
- it will create jobs for local residents
- it will provide for local and weekly shopping for nearby residents
- it will provide a better range of facilities in this part of the Colchester; and
- it will create a high quality environment
- it is a good location for a foodstore, it is well served by footpaths and cycleways and will deter people from travelling further afield by car.

9.4 Colchester Cycle Campaign (CCC) comments can be summarised as follows:

- The NPPF requires priority to be given to pedestrian and cycle movements and the creation of safe and secure layouts that minimise conflicts between traffic and cyclists or pedestrians.
- The Framework also requires developers to avoid street clutter and where appropriate establish home zones. Many of the streets west of Butt Road are suitable for home zones rather than a simple weight restriction.
- Cycle access into the development is unclear; will cyclists be allowed to enter the site via the Feature Square?
- The junction of Goojerat Road / Butt Road could do with an elephant crossing.
- We were amazed to see Tesco's catchment area for the new store. A car park with nearly 200 spaces will do nothing to achieve the council's aims of reducing traffic or pollution, and improving individuals' health through exercise. The catchment area is small enough for virtually every customer to walk or cycle unless they are disabled.
- Tesco should be required to join the Colchester Travel Plan Club to minimise traffic created by staff.

Councillors and MP

9.5 Cllr Offen has requested that consideration is given to the provision of a post office.

Officer Comment: Tesco have stated that the store is not of a sufficient size to accommodate a post office within the proposed food store; there would however be no objection to the post office occupying one of the smaller retail units.

9.6 Cllr Cope comments in respect of this application can be summarised as follows:

- This application should be considered by the Planning Committee because of the large amount of public interest.
- The current application goes significantly beyond the extent of the planning consent previously granted.
- Many residents have commented about the expected highways impact of the development; although on past form the Highways Authority are usually the last to see it that way.
- The traffic restrictions exclude St Helena Road. Local knowledge is that in fact St Helena Road is if anything more crowded than the other identified roads. St Helena Road should be added to the weight restricted streets

Cllr Cope has provided further written comments as he is unable to attend the Planning Committee on 14 June 2012; these are repeated in full in Appendix 1.

9.7 Sir Bob Russell MP comments can be summarised as follows:

- The proposal does not conform to the original outline planning permission.
- The retention of the historic Garrison buildings is supported.
- It is disappointing that the residential element is not of a standard in keeping with the historic nature of the retained Garrison buildings.
- There is already traffic congestion on Butt Road which could be affected by the planned changes to the High Street and the knock on effect that this will have on displaced vehicles.
- Additional traffic associated with this proposal will result in a significant impact on the immediate area which includes the garrison, police station, doctor's surgeries, the visitor attraction at the Roman Circus and the nearby school.
- The proposal should be refused as it far exceeds the original proposal and the applicant should revert to the foodstore size previously proposed.

10.0 Community Engagement

10.1 Prior to the submission of this planning application Tesco undertook a Community Engagement Exercise which comprised the following:

- Pre application discussions with the Local Planning Authority.
- Writing to members and the local MP
- Meeting with the school
- Writing to nearby residents
- A public exhibition (which was held on 9th & 10th December 2012 and promoted by 340 letters to site neighbours and via a press advert).

10.2 According to the Statement of Community Involvement the public exhibition was attended by 55 people and, of the feedback provided, approximately two thirds were in favour (having indicated yes to the question are you in favour of the proposals for Butt Road) or neutral (having indicated 'undecided' in answer to the same question). The Statement of Community Involvement notes that the vast majority of the remaining third who indicated that they did not support the proposal were residents of Errington Road and comments focussed largely on traffic related issues.

11.0 Parking Provision

11.1 see paragraphs 14.43 to 14.53

12.0 Open Space Provision

12.1 See Paragraph 14.61 to 14.66

13.0 Air Quality

13.1 The application site is not located within or immediately adjacent to an Air Quality Management Area.

14.0 Report

Planning Background

- 14.1 There is a long standing permission (dating back to 1994) for a food store and three retail units on the former PSA site (Area K2) This outline permission has been periodically renewed and a detailed reserved matters application was approved in 2009 (Reference 09/0905). This application proposed a food store of 512sqm plus 218sqm of storage and three shops at 171sqm with 72sqm of storage. The total floor area (including storage) created by this permission is 1459sqm (1025sqm retail sales area).
- 14.2 Planning permission for the Garrison Urban Village Development was approved in June 2003. This development comprises residential development (of 2600 units) and mixed uses including retail, leisure and employment, public open space, community facilities, landscaping and highway & transportation improvements. The traffic implications of this development on the surrounding highway network were fully considered when determining this application and were deemed acceptable. The agreed Master Plan for this development identified part of the application site (Area K2) as a Neighbourhood Centre with the remainder of the site identified for residential development with low key mixed uses (Area K1).
- 14.3 On Area K1, as part of the Garrison Urban Village Development, planning permission (ref 100981) has been granted for the change of use and conversion of former MOD buildings to create 535sqm of retail use (Use class A1 and A2) and for the erection of two buildings (ref 100982) to create 1080sqm of retail uses (Use Class A1 and A2) and 14 no. affordable units; the combined retail area granted by these two permissions is 1615sqm.
- 14.4 The above planning approvals remain extant and provide a total retail provision of 3074sqm and 14 no. two bedroom affordable apartments.
- 14.5 The current planning application proposes a supermarket (2,702sqm gross / 1,328sqm net) on the former PSA site (Area K2) and six retail units (533sqm gross / 450sqm net sales area) on Area K1; 14 no. affordable units are also proposed on Area K1.

Planning Policy

- 14.6 The Borough Council benefits from an up-to-date Development Plan consisting of the Council's Core Strategy (adopted Dec 2008) the Development Policies DPD and the Site Allocations DPD (adopted Oct 2010). The East of England Regional Spatial Strategy also forms part of the Development Plan, although with the enactment of the Localism Act its revocation has moved a step nearer. In reaching the recommendation in respect of this application, limited weight has been afforded to the Regional Spatial Strategy.
- 14.7 The northern part of the application site is allocated as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. Policy GAR1 provides for a 1000sqm retail foodstore and three small shops. It is important to note that this policy does however state that the floor area figures are '*not be considered prescriptive but a guide to inform development proposals*'.

- 14.8 The current proposal exceeds the guideline figures set out in Policy GAR1, in that a single foodstore is proposed (with a floor area of 1,328sqm net) on Area K2. (The six retail units are located outside, but adjacent to the Neighbourhood Centre). The key planning policy concern accordingly is whether the increase in the size of the foodstore proposed for the Neighbourhood Centre would change the role played by the development in Colchester's spatial retail hierarchy.
- 14.9 The adopted Core Strategy explains that central to its retail policies is that *"new and existing communities will be supported by a network of District and Local Centres which will provide local residents with easy access to shopping, employment and services"* (paragraph 3.1). The objective is to create a *"vibrant network of District and Local Centres"* (paragraph 3.2).
- 14.10 The Council's retail centre classification and hierarchy is set out in Core Strategy Policy CE1 supported by Table CE1a. The Town Centre is at the top of the hierarchy, followed sequentially by edge of centre locations, District Centres, and Local Centres, which comprises Neighbourhood Centres and Local Shops. (The Neighbourhood Centre is the larger of the two Local Centre classifications).
- 14.11 The local policy approach to Local Centres is set out in Policy CE2c of the adopted Core Strategy. Alongside protecting and enhancing existing Neighbourhood Centres, support is given to new housing developments, such as the Garrison Area, creating new Neighbourhood Centres *"to provide for the needs of existing and new communities"*. The role of such centres is clarified as being *"designed to meet the needs of the local catchment and encourage sustainable travel behaviour"* (Policy CE2c).
- 14.12 The applicants have submitted a Retail Statement to address the issue of the proposal's compatibility with national and local policy including the particular issue of whether the proposal fits the definition of a Neighbourhood Centre. They contend that the *"proposal delivers a centre consistent with its role in the Colchester retail hierarchy. The proposal for this centre is designed to meet the day to day and the weekly needs of the local catchment and encourage sustainable travel behaviour"*.
- 14.13 A key concern of residents is that the current proposal is larger than that previously approved and that the size of the proposed store is not compatible with that of a Neighbourhood Centre.
- 14.14 It is accepted that the size of the proposed foodstore is larger than that previously approved (1,328sqm (net) compared to 512sqm (net)). It is however important to note that the submitted application is for full planning permission and is not therefore constrained by the scope of the previous planning permission. In determining the current application, the Local Planning Authority must give due consideration to its development plan policies and national policy guidance; it can not simply be stated that because the current proposal is larger than a previously approved scheme it is unacceptable.

- 14.15 PPS 4 (Planning for Sustainable Economic Growth) describes the general composition of a local centre as typically including amongst other shops, a small supermarket, a newsagent, a post office and a pharmacy. The current application will deliver a supermarket of 1,328sqm (net) which is a small supermarket when considered against the PPS4 definition of supermarkets. (Annex B describes a supermarket as a self service store selling mainly food with a trading floorspace of less than 2,500sqm; superstores (which are compatible with District Centres) are defined as selling food and non food goods usually with more than 2,500sqm). The proposed supermarket at 1,328sqm (net) is below the 2,500sqm (trading floor space) figure provided in the PPS4 Annex definition and is therefore considered a suitable size for a Neighbourhood Centre.
- 14.16 The National Planning Policy Framework (NPPF) was published by the Government during the course of this application and replaces the PPS / PPG guidance with immediate effect. (The technical guidance notes that accompany the former PPG / PSS remain valid). The current application therefore needs to be considered in the light of the policy guidance set out in the NPPF.
- 14.17 The NPPF requires local planning authorities to define a network and hierarchy of centres that is resilient to anticipated future economic changes; Core Strategy CE1 is considered to fulfil this objective. 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 2,500sqm). The Council's adopted Site Allocation Plan identifies a Neighbourhood Centre for this site and the size of the proposed development is under 2,500sqm – the default size for what is considered appropriate for a Neighbourhood Centres. The proposals are thus considered compatible with the NPPF guidelines in respect of retail development.
- 14.18 The size of the catchment area for the new store (as indicated within the supporting information) is based on an 800m catchment area which has been adjusted to take account of existing retail provision. The Planning Policy Team has confirmed that an 800m catchment area is considered appropriate for a Neighbourhood Centre. In reality it is likely that draw of the store on the surrounding area according to a variety of factors, including the availability and attractiveness of alternative opportunities and the ease of access to alternatives as well as distance. In addition to this, given the stores location it is also likely to serve customers from further afield as travel during a day often includes stops at shops and services en-route to other destinations.
- 14.19 A large number of objections relate to the fact that the area is already well served by existing shops and that there is not a need for a new foodstore. Members will be aware that 'need' and competition are not material planning considerations; a refusal can not therefore be sustained on these grounds.

14.20 As the Planning Policy Team note, the intent of the applicant to conform to guidelines for Neighbourhood Centres is clear from the Retail Statement, but importantly the intent will need to be realised by ensuring that the development as built adheres to the principles implied by Neighbourhood Centre status and as covered by relevant LDF policies. These include:

- Limiting the size of the supermarket and retail units to the agreed total
- Ensuring the development is well integrated with the surrounding neighbourhood to facilitate sustainable modes of travel to the site (i.e. walking and cycling) – this encompasses both the internal site layout and its links with the wider neighbourhood
- Delivery of a high quality design which retains appropriate elements of the Garrison
- Provision of training and employment measures for local residents

14.21 All of the above issues can be adequately controlled or secured through planning conditions or a legal agreement (as appropriate).

14.22 The six proposed retail units adjacent to the supermarket fall outside the designated Neighbourhood Centre at Butt Road; these units are identified as being suitable for A1 (shops), A2 (offices), A3 (snack bar / café) and A5 (hot food take away) uses. The agent has confirmed that none of the units are proposed for use as drinking establishments (as defined by Use Class A4) and that there is not an objection to the number of units used for takeaway uses (Use Class A5) being limited to one of the six units (via a condition).

14.23 Policy DP7 of the Development Policies DPD provides the policy approach to Local Centres and Local Shops. The key test for these retail units is *“to demonstrate that they are an appropriate scale for the local area they would serve and would represent no threat to the viability and vitality of existing centres and shops or retail uses.*

14.24 The proposed retail units are small, varying between approximately 60sqm (sales) and 90sqm (sales), which are an appropriate scale for their role in providing a wider range of shops and services (than the supermarket alone can provide) for the needs within the catchment. The units are fully integrated into the local centre, located immediately adjoining the supermarket, along a proposed *“retail street”* and benefit from a shared local centre car park with the foodstore. Moreover, the principle of accepting A1 and A2 uses on this site has been accepted by the Council when permission was previously granted for the redevelopment of Area K1. It is recommended that a condition is attached that prevents the amalgamation of these units and that they are occupied by a different owner /user from the foodstore.

14.25 In order to ensure that the six retail units are delivered in a timely manner, it is proposed that these units are fully refurbished and marketed for rent or sale prior to the opening of the foodstore. The agent has also confirmed that it is the intention to actively market these units (both prior and after the completion of the foodstore) and that they will be advertised for rent at the prevailing market rate.

- 14.26 The increase in the size of the Butt Road Neighbourhood Centre from the policy guideline of 1000sqm is not considered to move the current proposal outside the Neighbourhood Centre category; this is particularly the case when it is accepted that 'the function and attraction of such centres will vary according to the levels and densities of population'. The current scheme certainly does not approach the scale of the superstores found in District Centres in the town – for example, Asda (5,222sqm) at Turner Rise or Tesco at Highwoods (6,247sqm). It also needs to be remembered that the Council, through granting previous planning permissions, has accepted the principle of 3074sqm retail use on this site. In view of this, it is not considered that a refusal can be sustained simply on the grounds that a food store of 1,328sqm (net) is proposed. It is however recommended that a condition is attached to prevent any increase in the size of the store either by extension or by the insertion of a mezzanine floor.
- 14.27 14 no. residential units are proposed as a part of this application. The residential units are sited on Area K1, which is identified for residential and low key mixed uses. The siting of the residential units is considered acceptable in land-use terms.

Highway and Accessibility Issues

- 14.28 The NPPF focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists.
- 14.29 Access to the application site is currently via the newly constructed roundabout on Goojerat Road; this roundabout also serves the adjacent residential development site on Area L&N. In addition to the new access, other highway infrastructure has already been improved on Butt Road, Circular Road West and Goojerat Road as a part of main Garrison development.
- 14.30 Public transport options for the site are good, with several bus services stopping within 400m of the site. Two bus services 64 and 64A run close to the site along Butt Road and stop directly outside the proposed Neighbourhood Centre. In addition to the services on Butt Road, there is an additional service, 63, which runs along Circular Road West.

- 14.31 The Neighbourhood Centre is already well served (in the immediate vicinity) by pedestrian and cycle linkages. The site itself is however currently impermeable with no formal access through it. Additional pedestrian access points to the Neighbourhood Centre are proposed on Butt Road and Circular Road West. The residential element of the current application is to be served via a new access point on Circular Road West.
- 14.32 The scope of the Transport Statement that accompanies this application was agreed by the Highway Authority and concentrates on the capacity of the roundabout junctions of Butt Road and Goojerat Road and Goojerat Road and the development site / Area L&N. A detailed study of the wider road network was not considered necessary as the Neighbourhood Centre forms part of the Garrison Master Plan and the surrounding highway network has been improved to accommodate this development. This point has been discussed further with the Highway Authority and they have advised that they work to the DfT's Transport Assessment Guidelines, which do not give an 'increase in traffic flow threshold due to development'. For this reason the Highway Authority tend to use a threshold of 10% - i.e. if a development is likely to increase traffic flows at any junction by 10% or more, they require the capacity of the junction to be assessed as a part of the proposed scheme. In this instance, the Highway Authority has not requested that the applicant undertakes a further assessment of Drury Road / Butt Road / Layer Road junction or other nearby roads as the anticipated traffic flows generated by this proposal are considered to fall under the 10% threshold.
- 14.33 The results of the survey work undertaken in respect of the mini roundabout on Butt Road show that the impact of the proposed development has an insignificant effect on both the ratio of flow to capacity value and the mean maximum queue length at the 2016 test situation. With regard to the roundabout, giving access to the Neighbourhood Centre, the survey work shows that it works well within capacity at the 2016 test situation. The Highway Authority has confirmed that the test modelling of these junctions has been undertaken to their satisfaction and that they are content with the test results.
- 14.34 A key concern expressed by many local residents is that this development will create an unacceptable increase in traffic with resultant problems of congestion, accidents, noise and disturbance. There is a particular fear that the visitors to the Neighbourhood Centre will use the streets between Maldon Road and Butt Road as a cut through and that these streets are not designed to accommodate a significant increase in traffic flows.
- 14.35 It is appreciated that the traffic implications of this proposal are contentious for many local residents. Officers are aware that local residents have previously raised concerns with the Highway Authority regarding the existing traffic levels on the roads between Maldon Road and Butt Road. In response to these concerns, the Highway Authority has an ongoing monitoring programme on these roads. The Local Planning Authority has been advised by the Highway Authority that, while the current proposal is likely to increase the flow of traffic on some of the roads between Butt Road and Maldon Road, this is considered unlikely to be detrimental to highway capacity and safety.

- 14.36 It is accepted that the proposed scheme will generate additional traffic and that this will have an impact on the surrounding roads. The Highway Authority do not however consider that the increase in the size of the proposed foodstore (when seen in the context of the approved Garrison development) will add significantly to travel flows on the local highway network; this is further reinforced by the test modelling undertaken as part of this application which demonstrates that the tested junctions have sufficient capacity for the anticipated traffic flows associated with this proposal.
- 14.37 The concerns of local residents regarding use of side roads by construction and service vehicles are appreciated. A delivery route for construction vehicles and those service vehicles under the control of Tesco is to be agreed and will exclude the use of Constantine Road, Hamilton Road, Errington Road and St Helena Road. In order to prevent other large delivery vehicles from using the side roads, a £30,000 contribution has been secured to enable the Highway Authority to investigate / introduce weight restriction controls on these roads. The introduction of such a measure will improve the existing situation in respect of potential disturbance caused by larger vehicles using these streets.
- 14.38 As a part of the Garrison development, significant improvement works have already been undertaken to the surrounding highway network. These works include: the introduction of signalised junctions; widening of roads / junctions; the creation of crossings points and the up-grading of the footpath and cycle ways. These works have improved the situation for both vehicular traffic and pedestrian and cycle users.
- 14.39 In addition to the works already undertaken, a number of additional highway and transportation improvements are proposed as a part of this scheme. These include: a zebra crossing in Goojerat Road (east of the proposal site access roundabout); the upgrading of the nearby bus stops (including the provision of real time information); a contribution towards the improvement of the cycleway / crossing in Layer Road and the investigation of weight restriction controls in selected streets. It is also proposed that the foodstore is subject to a Travel Plan.
- 14.40 Concern has been expressed that the existing traffic flows are having an adverse impact on highway safety and that the current proposal will further compound this situation; particular concern has been expressed that the roads are hazardous for school children. The County Council have provided information on accident records for the section of Butt Road between Goojerat Road and Errington Road; these records reveal that there have been no injury collisions in the last three years (i.e. since the roads have been upgraded). Officers have also requested information relating to the accident record for the Drury Road, Butt Road and Layer Road junction. The following four accidents are recorded in the vicinity of this junction:
- a vehicle leaving St Helena Mews, turning right from St Helena Road onto Drury Road hit another car (cause of the accident was attributed to slippery (wet) conditions and parked vehicles, the severity of the accident is recorded as slight)
 - a cyclist knocked off their bike at the Layer Road / Drury Road junction (cause of the accident was attributed to slippery road conditions, failure to judge other persons speed, cyclist wearing dark clothing and not displaying light, the severity of the accident is recorded as slight).

- A car travelling from Drury Road to Butt Road hit a cyclists (cause of the accident was attributed to slippery (wet) conditions and failure to look properly, the severity of the accident is recorded as serious)
- A vehicle travelling south along Layer Road stopped to turn into a private drive and was crashed into by a second vehicle (cause of the accident was attributed to failure to look properly / careless driving, the severity of the accident is recorded as slight).

Of the above accidents only two occurred at the Drury Road, Layer Road, Butt Road junction. The Highway Authority have advised that the collision data does not show any pattern of collisions and that the proposal is unlikely to significantly worsen the collision record at this junction.

- 14.41 Concern has been raised that the increase in traffic associated with the store will create noise and pollution problems. An environmental noise assessment was submitted as a part of this application and this concluded that the proposals “*would result in an imperceptible increase in noise and hence there can be no detriment to residential amenity ... by reason of road traffic noise*” (paragraph 8.3). It should be noted that this assessment did not take into account the additional measures (HVG routing and a contribution towards weight limit restrictions) that have been secured which will improve amenity on surrounding streets. It was not necessary to submit an Air Quality Assessment as a part of this proposal as the application site does not fall within or immediately adjacent to an Air Quality Management Air. It should be noted that Environmental Control has not raised any concerns regarding the potential for pollution from vehicular traffic.
- 14.42 It is considered that the highway improvement works undertaken as a part of the Garrison Urban Village Development, combined with the measures described above, will suitably mitigate the potential highway impacts associated with this development. It is important to note that the NPPF advises that applications should only be refused on transport the grounds where the impact of the development will be severe. The potential impacts of this development have been discussed in detail with the Highway Authority and they are comfortable that this proposal will not have an unacceptable impact on the surrounding highway network and/or highway safety. Given this, and in absence of any technical information to the contrary, it is not considered appropriate to deviate from the view of the Highway Authority that this proposal (subject to a package of works secured by condition or legal agreement as appropriate) is acceptable.

Parking Provision

- 14.43 Development Plan Policy DP19 requires development proposal to be implemented in accordance with adopted Parking Standards (November 2009). The parking standard indicates the level of parking provision required and will depend on the type and intensity of use.
- 14.44 The proposed car park serving the Neighbourhood Centre provides 164 car parking spaces and includes the provision for 12 disabled and 8 parent and child spaces. 9 motorcycle spaces are being provided as a part of this development proposal. In negotiating other aspect of this scheme the size of the proposed Neighbourhood Centre car park has been reduced from that originally submitted.

- 14.45 The Council's adopted Parking Standards require a maximum of 1 space per 14sqm for foodstores and 1 space per 20sqm for non-food stores. Based on these standards, the parking requirements for the foodstore is 193 spaces and for the non-foodstore units is 27 spaces; the total maximum parking provision for the proposed commercial development is, therefore 220 parking spaces. While the number of spaces proposed is under the maximum level indicated by the Parking Standards (164 as opposed to 220), the standards accept a lower provision of vehicle parking in urban areas where there is good access to alternative forms of transport. This site is considered to constitute such a location; moreover as a Neighbourhood Centre it is not considered appropriate to encourage car use by providing excessive car parking.
- 14.46 A number of objectors have expressed concern regarding the size of the proposed car park intended to serve the Neighbourhood Centre: some of the objections relate to the fact that the parking provision is excessive and will encourage visitors from outside the suggested catchment area; other concerns relate to the potential for overspill parking associated with this development adding to pressure on the existing on-street parking used by local residents. It is the view of Officers is that the number of parking spaces being proposed is at the upper limits of what is considered necessary to serve a Neighbourhood Centre (it is likely that the car park will be substantially underused for the majority of the time). That said officers are conscious that overspill parking is a real concern of local residents and that there will be peak periods / days when the parking demands will be higher. Having carefully considered the proposed parking provision, it is considered that 164 car parking spaces provides an acceptable level of parking given the size of the store and the function it is intended to fulfil – i.e. that of a Neighbourhood Centre.
- 14.47 The proposed development provides 12 disabled parking spaces which is compliant with the Parking Standards.
- 14.48 Comment has been made that the size of the parking bays in the Neighbourhood Centre do not meet the preferred size as set out in the adopted Parking Standards, namely 2.9m wide x 5.5m long. In exceptional cases, the Parking Standards accept a minimum parking bay size of 2.5m x 5.0m.
- 14.49 In the Neighbourhood Centre the proposed parking bays measure 2.5m x 4.8m with a 0.2m margin strip, which creates an effective parking bay length of 5.0m; a parking bay of 2.5m x 5.0m meets the minimum bay size as set out in the Council's adopted Parking Standards. The size of the parking bays has been raised with the applicant and the Council has been advised that this bay size has been accepted on other Tesco developments (including elsewhere within the County) and that it has not resulted in operational problems for visitors to these Tesco stores. The agent has noted that the application seeking alterations to the Sainsbury's Stanway car park, approved in October 2011, was granted permission for car parking spaces of 2.5m x 4.8m, below these minimum standards. While the dimensions of the car park bay may not accord with the desired parking bay size as set out in the adopted Parking Standards, this is not considered to constitute a sufficient reason for refusing this application.

- 14.50 The Neighbourhood Centre car park will be available for use by the public free of charge for a maximum stay of three hours. The three hour duration will allow sufficient time for shopping in the Centre but prevent it being used by commuters etc. The three hour maximum duration of stay would be enforced by an Automatic Number Plate Recognition System (ANPR) and has been successful across the Country in managing the use of car parks.
- 14.51 For the residential development, the Parking Standards require a minimum of 1 space for one bedroom units and 2 spaces for 2+ bedroom units. The Parking Standards require 0.25 spaces per unit (rounded up) for visitor parking.
- 14.52 A total of 20 parking spaces are proposed for the residential development element of this scheme. The 6 no. two bedroom houses are provided with two parking spaces each and the 8 no.1 bedroom flats are provided with one parking space each; this provision accords with the Council's adopted Parking Standards. The Parking Standards also require the provision of 0.25 spaces per unit for visitor parking which equates to 4 visitor spaces in this instance. Rather than providing the visitor spaces within the residential park court, it is proposed that any visitors to these units will be able to use the Neighbourhood Centre car park (and will be excluded from the parking control system by providing details of who they are visiting and their car registration details to the store customer services).
- 14.53 The size of car parking spaces serving the housing element of the scheme is 2.9m x 5.5m which adheres to the Council's preferred parking bay dimensions.

Design and Heritage Considerations

- 14.54 The NPPF places great importance in the achievement of high quality and inclusive design in all developments. In respect of design, the NPPF states that development should: establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials. Core Strategy Policy UR2 seeks to promote and secure high quality design. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet. These require new developments to respect the character of the site and its context in terms of detailed design. Policy DP14 seeks to protect the historic environment and states that development will not be permitted that would adversely affect the setting of a listed building or a conservation area.
- 14.55 The layout of the proposed development is strongly influenced by the form of the retained Garrison buildings, the historic boundary treatment to Butt Road, the location of the access points and the need to safeguard the existing trees that are worthy of retention.

- 14.56 The proposal provides a continuation of the traditional red brickwork along the Butt Road frontage, thus retaining and reinforcing the historic Garrison boundary to this street. The new foodstore reflects the regular rhythms and pattern of the built forms and materials that already exist along this frontage. The former wagon sheds, which are included on the Local List for their architectural or historic interest, are to be fully repaired and converted to form small retail units. A glass canopy similar in style to that found on other garrison buildings within the former Le Cateau Barracks will be added to the frontage of these buildings. The conversion and sensitive repair of these buildings will serve to enhance this part of the conservation area.
- 14.57 The proposed residential development fronts onto Circular Road West providing an active frontage and natural surveillance to this important street. The residential development is composed of two blocks of three houses which flank the apartment building. The houses are two storeys in height and constructed of red brick with a slate roof and adopt a traditional domestic form with contemporary detailing. The apartment building has a central three storey section (with a carriage arch providing vehicular access to the rear parking court) with two storey side wings. The apartment building uses similar design detailing and material to the houses but has rusticated brickwork to the ground.
- 14.58 Officers have negotiated significant amendments to the residential element of this proposal. The apartment building has been re-elevated creating a more regular solid-to-void rhythm (that reflects the character of the historic garrison buildings) and provides a more active frontage Circular Road West. The residential buildings have also been set back from the street (behind walled front gardens) creating a defensible space between the public and private realm.

Sustainability

- 14.59 Core Strategy policy ER1 and Development Plan Policy DP25 seeks to promote sustainable construction techniques in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources. The Council's Supplementary Guidance Document "Sustainable Construction" (adopted 2011) provides further guidance on sustainability matters, encouraging housing developments to achieve a minimum of Code Level 3 and major commercial developments a BREAM Rating of "Very Good".
- 14.60 The proposed houses are to be built to Code 3 and this will be conditioned accordingly. With regard to the foodstore, the agent has stated that the Council's adopted planning policies only encourage new development to achieve a BREAM Very Good Rating. In view of this, Officers have been advised that Tesco do not intend to seek a formal BREAM rating (due to the weighting of criterion), although agent notes that many aspects of the design will be sufficient to achieve 'Very Good' rating.

Private Amenity Space

- 14.61 Development Plan Policy DP16 states that all new residential development should provide private amenity space to a high standard and that is appropriate to its context. This policy requires the 50sqm of private amenity space to be provided for 2 bedroom houses and 25sqm for each apartment unit.

- 14.62 The proposed houses each have a private courtyard style gardens which are 50sqm or above and are thus in compliance with the above provisions.
- 14.63 To accord with the private amenity standards, the residential apartments should be provided with 200sqm of amenity space. Under the current proposal, the two ground floor units are provided with small courtyards gardens (approximately 10sqm and 22sqm) and each of the upper floor units have a private balcony that range in size from about 6sqm to 8sqm. The under provision of private amenity for the apartment buildings has been discussed with the agent and the Council has been advised that to meet the private amenity space, there will need to be a corresponding reduction in the size of the Neighbourhood Centre car park. To compensate for this, a commuted sum of £28,000 has been proposed for the enhancement of the POS elsewhere with the Le Cateau Barracks site and/or for the interpretation of the Roman Circus.
- 14.64 The agent has explained that the size of the proposed contribution has been calculated as follows:
- “As per Policy DP16 of your Development Management DPD, 200m² of private amenity space is sought to be provided communally for the 8 flats. The provision of balconies reduces this further. In total, the scheme provides 78m² of balcony/garden space across the 8 flats, ranging between 7m² to 16m² (where ground floor units). Payment in lieu of this deficit of 122m² of amenity space is therefore payable, notwithstanding that additional areas of communal and private space are provided and not considered in this calculation.
- The Council’s adopted SPD clarifies that an area of this size is classified as a Local Area for Play (LAP), below the 400m² threshold for a Local Equipped Area for Play (LEAP). The LAP has no associated broken down cost, but a LEAP is described as costing £48,100 per playground with a £43,200 maintenance charge. This comes to a total of £91,300 (equivalent to £228.25 / m²). Pro rata, for a deficit of 122m² is £27,847 of LEAP space for provision and maintenance. This has been rounded up to £28,000 as included in the draft Heads of Terms and can secure a standard LEAP, over and above the LAP, which will be of greater benefit to the prospective residents and wider community.”
- 14.65 The under provision of amenity space has been discussed with the Council Housing Development Officer and he has commented that communal gardens associated with affordable apartments are frequently poorly used and are generally considered by housing association to constitute a maintenance liability.
- 14.66 In this instance, given the views of the Housing Officer combined with the fact that the one bedroom apartments all have a useable south facing private balcony or courtyard and are in very close proximity to a large area of public open space (Abbey Field), the offer of a commuted sum would seem reasonable.

Impact on Neighbouring Properties

- 14.67 Development Plan Policy DP1 requires all new development to be designed to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to avoidance of adverse overshadowing, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out areas.
- 14.68 The nearest local residential properties are located on the west side of Butt Road, some 27m from the proposed development; there is also an existing property on Goojerat Road. The proposed new buildings (the food store and the residential units) will not have an adverse impact on the residential amenity of these properties

Landscape

- 14.69 It is stated that the landscaping scheme has designed to complement the existing setting of the site and to provide an appropriate treatment to the proposed mixed use development. As part of the proposed development, two feature trees will form focal points within the gateway entrances onto Butt Road. It is also intended to provide public art at the pedestrian gateway entrances on to Butt Road; the art work will reflect the former history of the site. Linking the two gateways is a proposed pedestrian walkway that forms a 'retail street frontage' to the retained Garrison buildings and the proposed foodstore. The design of the car park is intended to provide a suitable setting to both the retail and residential uses within the site. The northern part of the parking court accommodates a comparatively greater amount of tree planting which the applicant states is intended to provide a buffer between the residential area and the main retail usage.
- 14.70 Retention of the existing group of trees (covered by a TPO) at the south western corner forms a key landscape feature within the existing street scene, creating a degree of vertical scale that helps to anchor and visually integrate the built form into the surrounding environment. The submitted drawings also show new tree planting along the grass verge in Butt Road.
- 14.71 The proposal involves the removal of the central Lime tree that is protected by a tree preservation order. The Council's Tree Officer has advised that this tree is not of high quality (Category 'C') due to its included unions, general physiological condition and asymmetry crown. In view of this, the Tree Officer has advised that this tree should not constrain the proposed development and, as such, that there is not an objection to its removal.

Affordable Housing

- 14.72 The Garrison Urban Village Development identifies 14 no. affordable units on Area K1. The previous Taylor Wimpey scheme proposed 14 no. 2 bedroom affordable apartment units on this site.

- 14.73 Officers have been advised that, under the terms of the land sale between Taylor Wimpey and Tesco, Tesco are contractually obliged to provide 14 affordable units (although this agreement does not require a particular number of bed spaces to be provided). The current scheme proposes 6 no. two bedroom houses and 8 no. one bedroom flats and the Council's Housing Officer has confirmed that this mix is acceptable.
- 14.74 As a part of the suggested Heads of Terms for the legal agreement, it is proposed that Tesco will "use reasonable endeavours for the sale of land to a Registered Provider (Housing Association) for the delivery of the affordable housing within a period to be agreed following the opening of the foodstore. Following this period, it is proposed that Tesco would offer to sell the land to the Council for the delivery of affordable housing".
- 14.75 The primary concern of the Local Planning Authority is that the affordable housing identified for this site is delivered in a timely manner. It is therefore recommended that the provision of affordable housing is linked to the construction and opening of the store - i.e. a registered provider is secured before construction work starts on the Neighbourhood Centre and that the housing development starts prior to the opening of the food store. The suggestion that the land is sold to the Council should Tesco not secure the services of a Register Provider for the delivery is not considered acceptable.

Economic Development

- 14.76 It is stated that the foodstore will create the equivalent of around 90 full time staff employed on the site. This total is made up of around 30 full time employees and 60 part time staff. This job estimation is based on employment figures for similar sized stores in similar demographic areas across the country. There will be additional jobs in the adjoining independent retail units and during the construction of the shops / residential units.
- 14.77 The development will also provide opportunities for training and the applicant has indicated willingness for this to be controlled via a legal agreement.
- 14.78 The Council has received letters of support welcoming the proposed investment by Tesco and employment opportunities that this will bring.
- 14.79 Objection letters have been received to this proposal on the grounds that the proposed development will put existing local shops out of business and that this will result in job losses.

Environmental Amenity Issues

- 14.80 The Government attaches great importance to controlling and minimising pollution. Any potential impacts to ground, air or water quality with the potential to lead to an impact on public health are a material planning consideration. Development Plan policy DP1 states that new development should protect existing amenity in particular in regard to noise disturbance, light pollution and odour pollution.

- 14.81 It is inevitable that there will be some disturbance (noise and emission to the air) during the construction and operation of this development. It is however considered that conditions can be imposed that will adequately control the potential for such nuisance.
- 14.82 A number of local residents have expressed concern about the development potentially creating a space for anti-social behaviour. The applicant has advised that the centre will benefit from natural surveillance from the retail units, CCTV coverage and sensitive lighting to provide permanent illumination for user safety. If necessary, the applicant has also stated that measures can be put in place to secure the site overnight, when the store is closed. It is recommended that any illuminated advertisement or associated signage is switched off when the store is closed.
- 14.83 The application form states that the proposed foodstore and other retail units will open at 7am on Monday to Saturday and at 10:00am on Sundays. The application form does not state when the units are to close and a condition has been attached requiring the units to close at 22:00 (Monday to Saturday) and by 16:00 on Sundays. Delivery times are to be controlled via condition to ensure that they cause minimum disturbance to nearby residential and conflict with peak hour traffic.
- 14.84 The proposed site is located within a developed area and will therefore already be subject to some degree of 'skyglow'. The proposed development has however been designed around what essentially amounts to an internal courtyard and in this way the walled edge along Butt Road will act as an effective barrier. In addition to this, the current Tesco car park lighting specification is designed to minimise the amount of light which is spilt vertically and horizontally from the site, thus further helping to reduce the impact of the car park lighting on the surrounding area. At night time, when the store is closed, it is proposed that the lighting in the car park will be dimmed but not switched off entirely as it aids security.
- 14.85 A Noise Impact Assessment has been undertaken for the proposed development which concludes that development could proceed without the likelihood of subsequent operations harming the local residents by reason of noise. Conditions are proposed to ensure
- 14.86 The potential for ground contamination has been identified however the advice of the Contamination Land Officer that the site can be made suitable for the proposed use and can be conditioned accordingly.

Drainage and Flood Risk Assessment

- 14.87 A Flood Risk Assessment (FRA) has been conducted which has identified that the site is situated within Flood Zone 1 – i.e. little to no risk of flooding. In accordance with Policy DP20, surface water runoff generated by the proposed development will be sustainably managed through the use of SuDS, specifically porous paving and a below ground Geolight modular attenuation system

Section 106 Matters

14.88 The applicant has submitted a draft Heads of Terms for a S106 agreement which covers the following:

- Local Employment and Training
- Construction Traffic Management Plan
- Heavy Goods Vehicle Transport Plan
- Contribution to weight restrictions on vehicles using specified local roads (£30,000):
- Affordable Housing (14 units and trigger points for delivery)
- Travel Plan (for food store)
- Cycle Route on Layer Road (£43,000)
- Amenity Space Contribution (£28,000 - in lieu of delivering on-site amenity space for the affordable flats.
- Litter Bins Contribution £8335.25 + VAT for the installation and maintenance (for 5 years) of 5no. litter bins within the immediate area.
- Linking the residential development to 299a for the provision of Primary and Secondary Education Contribution; Public Open Space, Sport and Recreation Contribution; Community Facilities Contribution

14.89 It is proposed that the following works will be delivered under S278 of the Highway Act

- Improvement and upgrading of bus shelter including the provision of real time information.
- Zebra Crossing on Goojerat Road

14.90 The heads of terms are considered reasonable.

15.0 Conclusion

15.1 The proposed foodstore and 6 no retail units have been designed to accord with national and local planning policies and the land-use allocation identified for this part of the Garrison Regeneration Area. Residential development is also proposed as a part of this application, which fulfils the contractual requirement to provide 14 no. affordable units on this part of the Garrison Urban Village Development. Where planning policies have not been met a justification has been provided. An extensive s106 (planning obligations) and s278 (highway works) have been secured which is considered to mitigate the potential adverse impacts associated with this development proposal.

15.2 For the reasons set out in this report, the application for the erection of a foodstore, 6 no. retail units and 14 no. residential units with associated ancillary development, is on balance, considered acceptable.

16.0 Recommendation

- 16.1 It is recommended that this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided that a legal agreement is signed to cover the items set out under the s106 heading. On the signing of such an agreement the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the conditions set out below:-

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

2 - Development in Accord with Approved Plans (Non-Std. Wording)

The development shall be implemented in all respects strictly in accordance with the submitted plans and hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - C2.2 Archaeological Excavation and Evaluation

No development shall take place within the application site until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: In order to provide a reasonable opportunity to record the history of the site.

4 - Non-Standard Condition

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority.

Reason: In order to provide an opportunity to record and/or retain historic features that may be discovered during the course of the redevelopment of this site.

5 - C3.3 Samples to be Submitted

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure that the materials are appropriate to the architectural character of the buildings and have due regard the Garrison Conservation Area and the established townscape character of the area.

6 - C3.10 Details of Brick/Mortar Mix Bond/Joint Profile

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the brickwork detailing is appropriate is to the architectural character of the buildings and has due regard the Garrison Conservation Area and the established townscape character of the area.

7 -Non-Standard Condition

Notwithstanding the details submitted, additional drawings of all architectural features / detailing including the proposed new windows (including depth of recess), cills, arches, doors, shop fronts, canopies, glazing systems (including the type of glass), louvers, brise soleil, eaves, verges, rusticated brickwork, chimney stacks or other roof features to be used, at a scale between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved additional drawings.

Reason: To ensure that the architectural features and detailing are appropriate is to the architectural character of the buildings and have due regard the Garrison Conservation Area and the established townscape character of the area.

8 - Non-Standard Condition

Notwithstanding the details submitted, the material and colour of all external joinery (windows, doors, louveres shop fronts etc) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed details and thereafter be retained as such.

Reason: To ensure that the material and colour of the external joinery is appropriate is to the architectural character of the buildings and have due regard the Garrison Conservation Area and the established townscape character of the area.

9 - Non-Standard Condition

Notwithstanding the details submitted, details of the materials, profile (design) and colour of the rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the material, colour and design of the water goods are appropriate to the character of the buildings and have due regard the Garrison Conservation Area and the established townscape character of the area.

10 - Non-Standard Condition

The canopy to the retained buildings shall be constructed of metal unless otherwise agreed in writing by the Local Planning Authority and shall be installed in accordance with the agreed details prior to the opening of these units or the food store, whichever is earlier.

Reason: To ensure that appropriate materials are appropriate to the age and character of these buildings and that of the Garrison Conservation Area.

11 - Non-Standard Condition

The shopfront glazing system and entrance lobby to the foodstore shall not be obscured by film or any other materials applied to or immediately behind the windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the foodstore and retail units provide an active frontage to the public realm of the Neighbourhood Centre.

12 - Non-Standard Condition

The retained garrison buildings (retail units nos. 1 to 6) shall be fully refurbished in accordance with the agreed details to the satisfaction of the Local Planning Authority prior to the opening of the foodstore.

Reason: To ensure that locally listed buildings are repaired as a part of this development scheme.

13 - Non-Standard Condition

The internal layout (size) of the six retail units (nos. 1 to 6) shall be retained in the form shown on drawing no. 1291/PL 1211 9 and shall only operate as six individual separate retail units.

Reason: The Local Planning Authority wishes to retain control over any subsequent alteration to these units to ensure that there is a continued provision of small scale shops within the Neighbourhood Centre.

14 - Non-Standard Condition

The six retail units (nos. 1 to 6) in the retained buildings shall not be occupied by the same occupier (or associated company) as the foodstore.

Reason: In the interest of ensuring the vitality of the Neighbourhood Centre and a mix of uses and business.

15 - Non-Standard Condition

The retail units (nos. 1 to 6) hereby permitted shall not be used as a drinking establishment (as defined by Use Class A4 of the Town and Country Planning (Use Classes) (Amendment) Order 2005).

Reason: For the avoidance of doubt as to the scope of this permission.

16 - Non-Standard Condition

Only one of the retail units (nos. 1 to 6) hereby permitted shall at any one time be used as a hot food takeaway (as defined by Use Class A5 of the Town and Country Planning (Use Classes) (Amendment) Order 2005).

Reason: The Local Planning Authority wishes to ensure that hot food takeaway uses remain a minority element, and in the interests of safeguarding the amenity of nearby residential properties.

17 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 2005, the foodstore as shown on the approved plans shall only be used for A1 top up retail sales as described in the application namely a wide range of grocery items and not for any other A1 sales.

Reason: To ensure that the development satisfies national and local retail planning policies.

18 - Non-Standard Condition

The floor area of the foodstore hereby permitted shall not be extended either by the insertion of a mezzanine floor or by the extension and/or other alteration of the building.

Reason: The Local Planning Authority wishes to retain control over any subsequent increase in the size of the foodstore to ensure it does not have an adverse impact on amenity of the surrounding residential area.

19 - Non-Standard Condition

Prior to the commencement of the development, a scheme for the provision of affordable housing to be provided as a part of this development shall be submitted to and agreed in writing by the local planning authority. The scheme shall include: (i.) the timing of the construction and occupation of the affordable housing; (ii.) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no RSL is involved with this scheme; and (iii.) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

Reason: To ensure the affordable housing is delivered concurrently with the Neighbourhood Centre (or shortly thereafter) and that these units are made available as affordable housing.

20 - Non-Standard Condition

The tenure of the affordable housing shall be affordable rent only.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the housing meets the Council's priority housing need.

21 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans, (including those referred to in condition/s XXX) are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

22 - C10.16 Tree & Natural Feature Protection: Entire Site

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

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

23 - C10.18 Tree and Hedgerow Protection: General

All trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these 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 hedgerows.

24 - C11.11 Landscape Design Proposals

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.

Means of enclosure (including position, height, design and material).

Car parking layout.

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, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

25 - C11.12 Landscape Works Implementation

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.

26 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

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

27 – Non Standard Condition

Prior to the commencement of any works, the applicant shall commission, in consultation with the Local Planning Authority, an artist to design the proposed public art for this site. This scheme shall be carried out prior to the opening of the foodstore (unless otherwise agreed in writing by the Local Planning Authority) and shall thereafter be retained to the Local Planning Authority's satisfaction.

Reason: To ensure the delivery of the public art proposed by the applicant and that the design of the public art is suitable for its intended location.

28 - Non-Standard Condition

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and to mitigate any impact from the development hereby approved.

29 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.

30 - Non-Standard Condition

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surfaces within the curtilage of the development.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

31 - Non-Standard Condition

Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Authority. The scheme shall be constructed and completed in accordance with the approved plans and specification and thereafter maintained in accordance with the agreed details.

Reason: To ensure a satisfactory method of surface water drainage.

32 - B8.9 Oil Interceptor Required

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

33 - Non-Standard Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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,
 - archeological 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.

34 - Non-Standard Condition

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 must be prepared, and is subject to the approval in writing of 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.

35 - Non-Standard Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 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.

36 - Non-Standard Condition

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 33 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 34 "Submission of Remediation Scheme", 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 35 "Implementation of Approved Remediation Scheme".

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.

37 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, 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 34 "Submission of Remediation Scheme" above.

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.

38 - Non-Standard Condition

The foodstore and retail units hereby permitted shall not be open to customers except between the hours of 0:700 and 22:00 on Mondays to Saturday and 10:00 to 16:00 on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the surrounding residential properties.

39 - Non-Standard Condition

Prior to commencement of the development, a Service Vehicle Management Plan (which shall include details of service vehicle delivery times and service routes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise the likelihood of conflict between vehicles using the proposed service yard and those entering/exiting the proposal site and to safeguard the amenity of nearby residents.

40 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site by plant equipment and/or, machinery shall not exceed 5dBA above the background prior to the development hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to the the development hereby approved coming into beneficial use.

Reason: To safeguard the amenity of nearby residents.

41 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with Condition 40. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

Reason: To safeguard the amenity of nearby residents. .

42 - Non-Standard Condition

The foodstore and/or retail units (Nos 1 to 6) hereby permitted shall not come into beneficial use 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 foodstore and/or retail units hereby permitted coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order.

Reason: To safeguard the amenity of nearby residential properties by controlling the fumes and odours.

43 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone (insert zone – see note below). This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the foodstore and/or retail units hereby permitted coming into beneficial use/the use hereby permitted commencing] a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to safeguard the amenity of neighbouring residential properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

44 - Non-Standard Condition

Any externally illuminated sign shall comply with the guidelines in the current 'Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements'. All such signage shall be switched off 30 minutes after the retail units are closed to the public and shall not be illuminated before the opening of the store(s).

Reason: In order to safeguard the amenity of neighbouring residential properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

45 - Non-Standard Condition

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

46 – Non Standard Condition

Prior to the development hereby approved being brought into use, 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. In the case of communal storage areas, a management company shall be made responsible for the maintenance of such areas. Such detail as shall have been installed shall be retained and maintained in good working order. The developer shall notify the Local Planning Authority of the management company contact details as soon as these are known.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to ensure that they are managed appropriately.

47 - Non-Standard Condition

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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. construction vehicle and access management plan
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction and the transit of materials to / from the site
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- ix. Hours of work

Reason: In order to protect local amenity, to protect highway efficiency of movement and safety and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009 .

48 - Non-Standard Condition

No burning of refuse, waste materials or vegetation shall be undertaken on the application site in connection with the site clearance or construction of the development.

Reason: In order to protect local amenity and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

49 – Non Standard Condition

Prior to commencement of the development, revised drawings shall be submitted and approved in writing by the Local Planning Authority to show the proposed footpath located approximately through the middle of the site widen to a minimum of 3m. The development shall be carried out in accordance with the approved drawings.

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

50 - Non-Standard Condition

No occupation of the development shall take place until such time as the following have been provided or completed:

- A priority junction off Circular Road West to provide access to the residential element of the proposal. This junction is to include 2no. footways with dropped kerbs and tactile paving, a minimum 70 x 2.4 x 70 metre visibility splay maintained clear to the ground at all times and a 'Keep Clear' road marking in Circular Road West in front of the junction
- Upgrading of the two bus stops in Butt Road adjacent to the proposal site in accordance with a scheme that shall have previously been approved by the Highway Authority
- Relocation and upgrading of the north-westbound bus stop in Circular Road West (south-east of Butt Road) in accordance with a scheme that shall have previously been approved by the Highway Authority
- A zebra crossing in Goojerat Road, east of the proposal site access roundabout.

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.

51 - Non-Standard Condition

Prior to occupation of the foodstore hereby permitted the servicing area for the store shown on the approved drawings shall be constructed, surfaced and made available for use. The servicing area are shall thereafter be retained as such.

Reason: To protect highway efficiency of movement and safety.

52 - Non-Standard Condition

Notwithstanding the details indicated on the submitted layout plan, a scheme for the servicing and refuse collection for the retail units (Nos 1 to 6) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and thereafter be retained as such.

Reason: To ensure that adequate provision is made for the servicing of these units.

53 - Non-Standard Condition

The retail development hereby permitted shall not be occupied until the car parking area including any parking spaces for the mobility impaired, has been surfaced and marked out in parking bays in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The car parking area shall be retained in this form at all times.

Reason: To protect highway efficiency of movement and safety.

54 - Non-Standard Condition

Prior to the commencement of development, a Travel Plan for the foodstore shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall be brought into operation from the first opening of the foodstore and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest reducing car dependency.

55 - Non-Standard Condition

No development shall take place until details of secure cycle storage/stands (including those suitable for cycle buggies) for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

56 - Non-Standard Condition

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that satisfactory facilities for powered two wheelers.

57 – Non Standard Condition

Prior to the commencement of the residential element of the development hereby approved, Travel Packs shall be submitted to and agreed by the Local Planning Authority. The agreed Travel Packs shall be issued to each of the residential units prior to their first occupation.

Reason: In the interest of reducing car dependency and to ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

58 – Non Standard Condition

The residential units hereby permitted shall not be occupied until the car parking spaces and turning areas shown on the approved plans have been laid out in accordance with the agreed details. The car parking and associated turning areas shall thereafter be retained for these purposes only.

Reason: In the interest of highway safety and to secure a satisfactory form of development

59 – Non Standard Condition

Prior to the occupation of the retail development hereby permitted, pedestrian and cycle access into the site from Butt Road, Goojerat Road and Circular Road West shall be constructed in accordance with the proposed site Masterplan and the details agreed under Condition No. 24.

Reason: To ensure that the retail development is fully accessible by pedestrians and cyclists in the interest of highway safety

60 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the dwelling houses as permitted by Class A of Part 1 of the Schedule of that Order, including additions or alterations to the roof(s) as permitted by Class A, B and C of part 1 of the Schedule of that Order, nor the provision of any building or enclosure within the curtilage of the dwelling house as permitted by Class A or Class E of Part 1 of the Schedule of that Order shall be erected without the prior approval in writing of the local planning authority.

Reason: In order to ensure the retention of an appropriate level private amenity space and that any extension does not adversely affect the amenity of adjacent properties.

Informatives

(1) 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) Noise and Sound Insulation:

A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

(4) Drainage:

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

If the operator wishes more specific advice they will need to contact the Environment Agency South Essex Environment Management Team at our Kelvedon office or look at available guidance on our website using the following link: www.environment-agency.gov.uk/subjects/waste/

Minutes

PLANNING COMMITTEE 14 JUNE 2012

Present :Councillor

Theresa Higgins* (Chairman)

Councillors Peter Chillingworth*, Helen Chuah*,

John Elliott*, Stephen Ford, Sonia Lewis*,

Michael Lilley*, Jackie Maclean*, Nigel Offen*,

Philip Oxford and Laura Sykes*

Substitute Members :Councillor

Jo Hayes for Councillor Nick Barlow*

Councillor Mark Cable for Councillor Nigel Chapman*

Councillor Mary Blandon for Councillor Jon Manning*

Also in Attendance :Councillor

Dave Harris

(* Committee members who attended the formal site visit.)

Councillor Sonia Lewis (in respect of her acquaintance with Roger Buston and as her solicitor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mark Cable (in respect of his business association with Tesco as a potential customer) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Nigel Offen (in respect of his place of residence being in Drury Road) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mary Blandon (in respect of members of her family and friends being resident in the area) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Laura Sykes (in respect of Roger Buston being her solicitor) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

10. 120412 Butt Road, Colchester

The Committee considered an application for a local centre comprising a supermarket, six retail units, affordable housing and car parking. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

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Cormac Davies presented a petition comprising approximately 535 signatures in the following terms:" We the undersigned object to the current Tesco proposal for a store of 1,300m2 on Butt Road. We ask the council to refuse planning permission and insist that the supermarket is reduced in size to 512m2 (the original plan). To minimise increases in traffic (road safety, congestion, pollution, noise) and to protect existing local businesses".

Cormac Davies addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a local resident with children at the local primary school. He acknowledged the site had been designated for a food store but he was concerned about its size. He believed the designation specified a 1,000m² food store which the neighbourhood supported. The neighbourhood did not want a store two and a half times bigger; and together with the three retail outlets it would be five times bigger. The catchment area for the original proposal was 800m but was now nearly double that distance for this proposal. Customers could also order on line and collect from the store. Tesco compare this store to other locality supermarket stores.

Mike Jacklin addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a local resident with children attending the local primary school. His objection to this proposal was in respect of the safety of the pavements and increased use of local roads. The pavements were too narrow for pedestrians to pass safely without stepping into the road. He predicted an accident because of additional traffic entering the site and local minor roads being used as rat runs which, with the largest primary school in the borough being located 300m from the site, would be dangerous for children. He referred to a highway safety impact assessment which he believed did not include local roads and asked that it be widened to include the school catchment area.

Roger Buston addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the original permission of 1994 for a sustainable amenity store and three small shops, not a destination store of 1,300m² and six small shops. A local store was for shoppers on foot whereas a destination store was visited by car from 1,000m away. The Tesco handout showed 50 parking spaces but if the 170 parking spaces were shown it would be four times bigger. Neighbourhood roads would be improved to accommodate the development but those improvements related to the previous smaller development. Residents did not object to Tesco occupying this site, but they wanted a store the size of the original permission and Tesco should apply for that.

Matt Brown addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was acting as an independent highways consultant for this scheme to deliver improvements to the local network. Local residents and the primary school had been engaged at an early stage. The local network had been assessed and the scope agreed with the Highway Authority. The scheme would enable local people to walk to the store and both the number of car parking spaces and their size conformed to the parking standards. There were minor changes in traffic flows but none were classified as severe. Many people in the local community had asked for traffic measures such as speed restrictions of 20mph or speed bumps, but the Highway Authority opposed those measures because the traffic could chose to transfer onto other roads. There was an agreement for Tesco to provide weight restrictions to prevent any vehicles over 7.5 tonnes from using local roads. Both Colchester and Essex Highways were of the view that there were no safety concerns to indicate that guard rails along pavements would be appropriate.

Martin Robeson, Independent Town Planning Consultant for Tesco in East Anglia, addressed the Committee pursuant to the provisions of Planning Committee

Procedure Rule 8 in support of the application. Tesco had identified a gap in this area in their overall provision of superstores and express stores in Colchester, which they could fill for communities to the south and centre with an intermediate sized store. Other retailers could require a larger store on this site. Tesco want the small units for appearance and rental income and they would be provided before the store opened. The parking provision of 164 spaces would provide spare capacity at peak trading times in order to avoid any on-street parking.

Louise Gosling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She referred to the inadequate provision in the local area for people who wanted to do a full family weekly shop. Tesco supported cycle links and the store would create 90 new jobs which would go to local people through the job centre. Tesco would become part of the community and staff would be encouraged to identify local causes; Hamilton Primary School had already been identified. The store and the retail outlets would support each other with footfall which had occurred in other areas, for example in Crouch Street. Tesco would accept any conditions which might be applied. They had consulted extensively and received over 100 letters of support. She urged the Committee to approve the plans.

Councillor Hunt attended and, with the consent of the Chairman, addressed the Committee. He referred to the weight restrictions on the four local streets which he believed Tesco had agreed to fund. However the report suggested that the £30,000 funding was for an investigation rather than the highway works. Tesco had offered to pay for weight restrictions, traffic calming measures, any safety measures around the Drury Road/Butt Road junction and Essex County Council had declined the offer. He was of the opinion that the store was too big and the increased traffic generated would impact on highway safety. A traffic survey undertaken by Essex County Council had identified that for every 300 vehicles travelling from Butt Road to Maldon Road through the local residential roads, there were 1,000 vehicles travelling in the other direction. This was illogical and he requested tough measures. He also wanted the Highway Authority to attend a meeting to explain how they had reached their decision.

Councillor Barton attended and, with the consent of the Chairman, addressed the Committee. All residents accepted and wanted a supermarket to be built on the site because there were no such facilities on Abbeyfields. Those without a car wanted somewhere to do a weekly shop, but all residents wanted a supermarket appropriate to the size where they live and of the size already approved. Residents had anticipated that the result of a large supermarket would result in an unacceptable impact on nearby roads being used as a short cut. She supported the proposal for a weight restriction. She acknowledged that mother and baby parking spaces would be provided.

Councillor Quince attended and, with the consent of the Chairman, addressed the Committee on behalf of residents in Prettygate Ward. He was also concerned about the road junctions and children who may step out into the road to avoid other footway users. He believed an accident was inevitable and despite what county and borough officers said, it was a serious concern. He requested that consideration be given to safety measures at the Butt Road corner.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. She raised the issue of allowing small businesses to continue making a

living. The roads should be made safe for children to navigate rather than increasing congestion in narrow roads. She was concerned about the capacity and safety of the Butt Road/Layer Road junction for this proposal. She also referred to the original proposal having less impact on the area and residents who live nearby, and to the proposed store being out of proportion for the community's needs. The Sustainable Communities Act stated what needed to be done for sustainability in the area. She questioned the reason for the parking bays being below the standard size and urged the Committee to refuse the application.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She opposed the size of the store and referred to the detrimental impact on Shrub End Road which, together with Boudicca Road, had not been taken into consideration. She was principally concerned with the number of lorries required to service the store, both those owned by Tesco and those belonging to other suppliers, the route they used to access the store, and those arriving outside permitted hours having to park up to await admittance to the service yard. Also of concern were the number of schools and the risk of accidents. She referred to this application being against policies for the area which appear to have been ignored. She urged the Committee to follow planning policies and refuse the application.

The planning officer responded to representations in the following terms:he explained that when judged against national and local policies the size of the store was appropriate for a local centre. The submitted application was for a full planning permission and as such must be judged on its own merits. Policy GAR1 refers to a 1,000m² food store but the size was not prescriptive. The default size for a neighbourhood store in the National Planning Policy Framework was 2,500m². The extant permissions for the site provide for over 3,000m² of retail floor space and there was no condition on the extant permission to prevent the proposed food store and three retail units from being converted into a single unit. The application was considered to accord with both national and local policies and it would not be sustainable to refuse the application on the grounds of size.

In respect of sustainable modes of transport, the proposal provided a parking area smaller than required. The proposal promoted cycling and pedestrian improvements throughout the area and was considered to accord with local and national policy in this respect. In terms of parking, the parking bays for the retail development conformed to the minimum standards. The issue had been raised with the applicant and officers advised that this size was a standard size used by Tesco throughout the country and had not caused operational problems. The aisle widths had been increased to counter the smaller parking bays. The fact that the size of the parking bays did not conform to the Council's preferred parking bay size was not considered to constitute a sustainable reason for refusal.

The Department of Transport guidelines recommend that any junction with a 10% increase would need an assessment. The assessment on the Goojerat Road / Butt Road junction showed an important increase in those areas but was not considered to have a detrimental impact on highway capacity. The other junctions would be subjected to a lower increase in traffic so the Highway Authority did not consider they could justify a requirement for the applicant to undertake a detailed assessment of those junctions. The National Planning Policy Framework states that councils should only request information that is appropriate to the scale of the development. Four side roads had been

identified in terms of traffic movements where large lorries could cause a problem. A contribution had been secured to investigate and implement the introduction of weight restrictions on these roads. The actual implementation of weight restrictions would depend on the required public consultation exercise but was supported by the Highway Authority. Tesco had agreed that their deliveries would adhere to a service plan but other suppliers would not be subject to a delivery plan.

The Highway Authority wanted other delivery vehicles to use 'A' roads. In terms of any impact on small businesses, 'competition' and 'need' were not planning considerations. In terms of noise and air pollution, this council's Environmental Control team had not identified any significant harm on either of these issues; the area was not an Air Quality Management Area. A noise assessment had been submitted which demonstrated that the proposal would not have a detrimental impact on the area.

In terms of traffic calming, the introduction of such measures in one of the side roads would displace traffic to another of the side roads. Survey work had not highlighted capacity or safety issues in these roads and it would be unreasonable to ask the applicant to fund a comprehensive package of traffic calming measures in all those roads. The narrowness of the pavement in Drury Road had been acknowledged but current accident records did not indicate that this section of road was dangerous; there had been two car accidents and two accidents involving cyclists in the general vicinity of this junction. Guard rails at the edge of pavements were not advised because they would reduce the width of the path even further and children may go outside the guardrails. The National Planning Policy Framework stated that applications should only be refused where the highway implications were severe. This was not considered to be the case in respect of this development.

Despite reassurances that the Highway Authority had not identified any highway safety issues, members of the Committee remained concerned about safety issues in terms of the highway, including side roads, the footway and the junctions. Members referred to congestion for two months after the opening of the Tollgate superstore in the recent past. They believed that tracking of lorries did not work, drivers kept engines running while they were waiting to enter the unloading area, and trolleys could not be controlled. There was a request that the Highway Authority be required to attend a Planning Committee meeting in order to explain the traffic assessments and how that Authority had come to their conclusions.

Members of the Committee had great sympathy with people in the area however, and most of the local population did want a store. If the traffic generated by a store of this size could be accommodated safely on the road system safely the debate about size would be irrelevant and the proposal would be acceptable. With the grant of planning approvals, the Garrison development was being implemented and occupied by residents and a food store in this location would be an asset; indeed the residents had been expecting one for some years. If this application was refused Tesco could appeal and an Inspector would be looking at the policies. Therefore there was a need to look more carefully at the highway safety aspect. If there was a robust safety impact assessment this might allay some of the fears of the local people. The Highway Authority were the borough council's experts in this matter and this authority needed the reassurance of a robust highway impact assessment.

The planning officer responded to committee members' comments in the following terms. The Highway Authority had been pushed to explain why they considered the current proposal to be acceptable and in particular that the capacity of the road and junctions were adequate. There was an existing approval on the site and the surrounding road and footway network had been improved as part of the Garrison development, which included this site. Some of the pavements were narrow, however it was not considered that the current proposal would generate a significant change in vehicle movements when compared with the approved schemes. Evidence would be required in respect of highway capacity or highway safety issues to warrant a refusal on highway grounds; such evidence had not been submitted. There was a need to demonstrate that the proposal would lead to severe harm; to go against that advice would not be a prudent decision. It was considered reasonable to require a service delivery plan, however the council could not reasonably control impacts further away from the site. Traffic assessments at the nearest junctions had demonstrated that whilst there would be an increase in traffic movements, this would not adversely affect the capacity at the junctions.

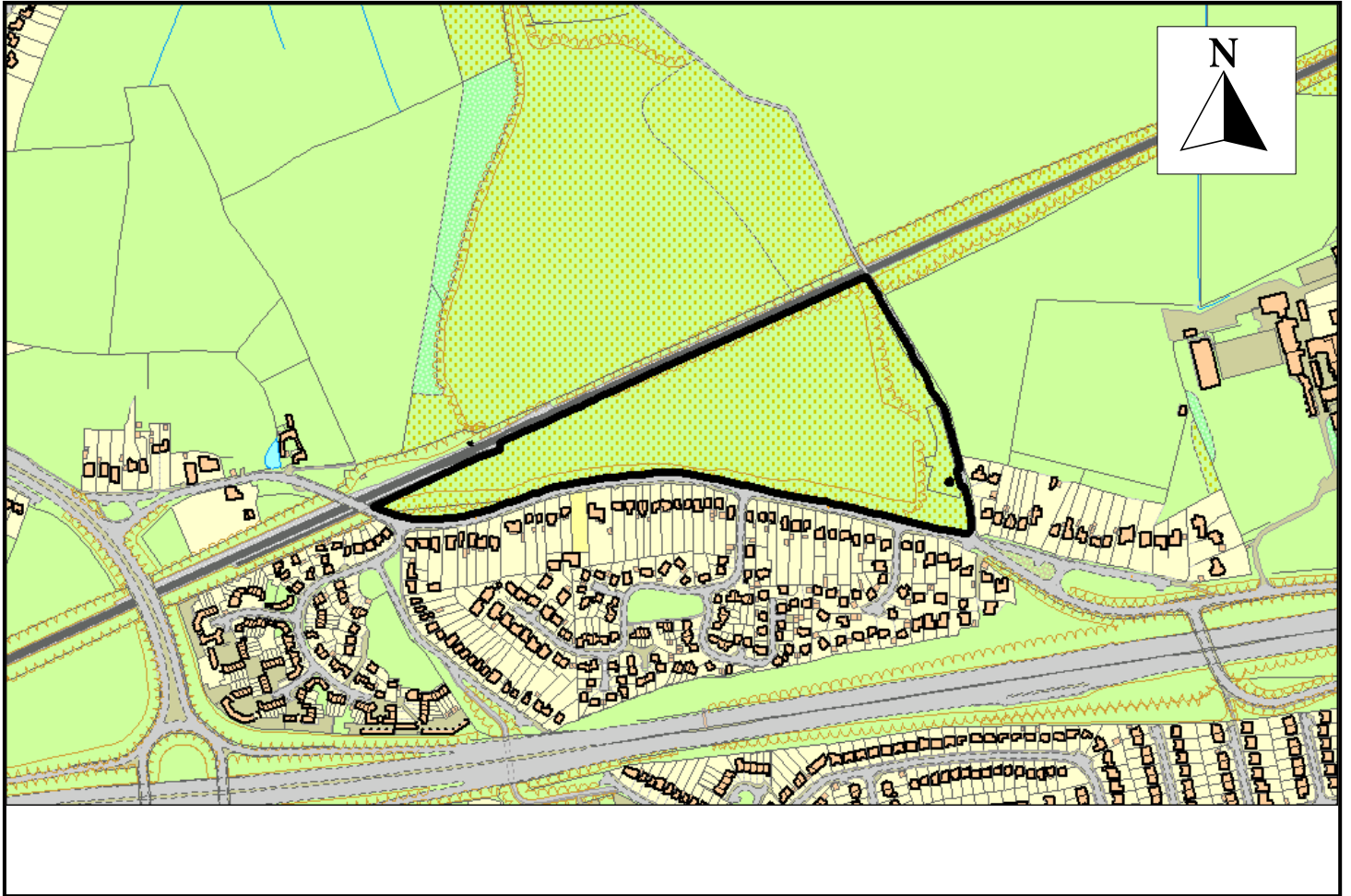
The design of the proposal reflected the area fully. Conditions could be imposed to prevent nuisance from trolleys and bins. Appropriate parking bays for disabled and mother and child were included in the scheme.

The Development Services Manager recognised members concerns and suggested that the matter be deferred so that officers could seek the information required by members from the Highway Authority regarding highway issues. He was confident that the highway safety issue could be analysed in detail and he offered to invite colleagues in the Highway Authority to attend the Planning Committee so members could properly investigate highway safety aspects. This authority did not have a budget to pay for independent assessments, and in any case Essex County Council was the relevant Highway Authority which this authority relied on for advice. Essex County Council should be given the opportunity to explain their case; it would not be proper to dismiss them.

The size of the store must be related to the current national and local planning policies; the increase in size of the store was above that contained in the policy GAR1 but there was also a requirement to look at the impact in order to identify any harm. The previous consent had no restriction on size and a larger single food store could be built. He emphasised that a refusal based on the grounds that this store was larger than originally proposed was not sustainable.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for the following:

- a) Officers to explore issues with Essex County Council Highway Authority, in particular matters relating to highway safety (safety of school children on narrow footway, junction capacities, delivery routing).
- (b) The matter to come back to Committee at which meeting Essex County Council officers be invited to attend.
- (c) In the event that the Committee is not satisfied with the additional material from Essex County Council, the Committee may require a second opinion from independent highway consultants.



Application No: 120848

Location: Former Railway Sidings, Stanway Railway Depot, Halstead Road, Stanway, Colchester

Scale (approx): Not to scale

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7.2 Case Officer: Mark Russell

MAJOR

Site: Stanway Railway Depot, Halstead Road, Stanway, Colchester

Application No: 120848

Date Received: 31 May 2012

Applicant: Hopkins Homes Ltd And BRB (Residuary) Ltd

Development: Construction of 123 residential properties with associated access roads, footpaths, garages, car parking, cycle parking, infrastructure works, landscaping, fencing, walling, public open space/ equipped play space and public highway works.

Ward: Stanway

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

1.0 Reason for Referral to the Planning Committee

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

1.2 Councillor Bentley's reasons are as follow:

- Loss of amenity to local residents in the Halstead Road area through over development and a cause in more traffic movements and congestion.
- The loss of amenity also includes the loss of a natural wildlife area.
- Highways concerns over the increase in traffic movements on an already congested road and access to and from the proposed site.

1.3 Councillor Scott-Boutell's reasons are as follow:

- The call in has been prompted by local residents. The planning issues and reasons which have prompted the call in are the cumulative effect of the proposed development upon residents' amenity.

2.0 Synopsis

2.1 The following report sets out a description of the existing, sloping, largely wooded, site of 5.7ha and describes the proposal for 123 properties to the south of the railway tracks and community use of the woodland to the north.

- 2.2 The report then describes the lengthy Planning history, including the original appeal which was upheld in 1991 and subsequent applications, leading to the adoption of a Development Brief in 2011 which has formed a basis for this application.
- 2.3 The main body of the report lists the 100 + objections which relate generally to the principle of the development, the loss of woodland and habitat, highway concerns and a strain on resources, and contains this Authorities responses to these.
- 2.4 Issues of proposed Planning gain are examined. This includes a 20 per cent affordable housing provision, access to woodland to the north, and other relevant monies.
- 2.5 The evolution of the scheme is then examined, including modifications which followed design meetings with the applicants. Approval is then recommended on the basis of compliance with NPPF and local policies and the proposed Planning gains.

3.0 Site Description and Context

- 3.1 The site known as 'The Sidings' is 5.68 hectares of pioneer woodland between Halstead Road, Stanway and the main London to Norwich railway line. As the name suggests the land was once covered in railway tracks and was in use as a working sidings. Since its closure and the lifting of the tracks the site has begun a natural regeneration. Several mature specimens with Tree Preservation Orders on them fringe the southern edge of the site on to Halstead Road, with a larger group to the south-eastern corner. The remainder of the site is virtually all covered in self-seeded species such as birch, Alder and Willow. The land slopes sharply south to north, and at the eastern end it slopes even more steeply westwards, then flattening out.
- 3.2 To the north, and in the same landholding, is a larger area of mature woodland, which is in Eight Ash Green and is subject to proposed Planning gain. To the south is Halstead Road and the established dwellings along that road. To the east is Iron Latch Lane which leads over the railway track to the woodland north of the line. The site then tapers towards its western end where it meets the A12 flyover. The site floor is significantly below the existing level of Halstead Road.

4.0 Description of the Proposal

- 4.1 The proposal is for 123 units of accommodation with associated open space and infrastructure.
- 4.2 The residential proposal breaks down as follows:

Houses

16 x 2 – bed
53 x 3 – bed
33 x 4 – bed

Flats

21 x 2 – bed

- 4.3 The development also comprises a footpath/cycle-way linking through from the A12 fly-over to Iron Latch Lane.
- 4.4 The application proposes a LEAP (play area) other incidental areas, and an area of woodland to the north of the railway line which will be for informal use, with a limited access area dedicated to nature.
- 4.5 In addition, an extra pocket of land to the north-west of the site is to be reforested.

5.0 Land Use Allocation

- 5.1 Residential, Local Wildlife Site, Green-link.

6.0 Relevant Planning History

- 6.1 91/0855 - Outline application for development of 55 No. detached dwelling houses with garages and access road including demolition of existing structures on site. Refused 28th August 1991. APPEAL UPHeld 18th May 1992;
- 6.2 95/0604 - Renewal of outline planning permission COL/91/0855 for 55 detached dwellinghouses with garages and access road including demolition of existing structures on site. Approved 22nd June 2006;
- 6.3 97/1420 - Outline application for erection of 93 dwellings with garages and access roads including demolition of existing structures on site. Withdrawn 21st November 1997;
- 6.4 98/0878 - Extension of permitted period for further three years granted under condition 02 of planning approvals COL/91/0855 and COL/95/0604 for 55 detached houses etc. Approved 13th August 1998;

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
The National Planning Policy Framework (NPPF)
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are 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
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
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
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (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:

- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy

7.6 Stanway Parish Plan and Design Statement

7.7 Stanway Railway Sidings Development Brief (May 2011)

8.0 Consultations

8.1 The Highway Authority stated the following:

- Pedestrians will require safe crossing points to the other side of the road where the proposed footway ends;
- The proposed footways within the development should be a minimum of two metres wide;
- Freestanding lighting columns sited clear of the carriageway should be provided;

- Any trees proposed within the highway must be agreed with the Highway Authority and sited clear of all underground services and visibility sight splays;
- The road should preferably be no steeper than 5% (if it is, salt bins should be provided);
- Details of the estate road (including layout, levels, gradients, surfacing and means of surface water drainage) should be submitted;
- Suitable visibility splays onto Halstead Road should be shown. No trees or obstructions within the splays;
- A footway should be continued in front of plots 41 – 44, connecting with the footpath at the southern end of the turning head;
- Various other tweaks on specific units were also requested.

8.2 The Highway Authority was then consulted on an amended set of drawings and raised no objections subject to the following:-

- A footpath/cyclepath into the north east, south east and south west corner of the proposal site to link it with Iron Latch Lane and Halstead Road respectively. A cycle wheel gutter shall be provided at any steps
- The footpath which runs around the southern edge of the built form between the footpath/cyclepath adjacent to the LEAP and plot 74 a shared footpath/cyclepath
- The gradient of the site access road at the point where it meets the Halstead Road carriageway not exceeding 1 in 40 for a distance of 10 metres into the proposal site from the edge of the Halstead Road carriageway
- The road from plot 30 around to plot 22 and 24 a cul-de-sac. A minimum 4.8 metre wide carriageway between plot 22 and 24
- The footway fronting plot 13-15, 19-22 and 24-30 a minimum 2 metres wide
- The visitor parking spaces opposite plot 117-120 a minimum 6 x 2.9 metres
- The layout of the entrance to the type 8 mews court between plot 47 and 62 amended to allow for access by refuge vehicles and fire tenders

8.3 Highways Agency: Requested further information regarding potential traffic flows. This was then received and then the Agency stated that as the development could adversely affect the operation of the A12 trunk road, a Travel Plan needed to be agreed by condition.

OFFICER COMMENTS: A travel plan for a residential only scheme does not make sense, but measures such as promoting bus travel, bicycle use and so on can be covered by condition.

8.4 Environmental Control: In terms of potential contamination, our specialist commented as follows: *'Initial rounds of ground gas monitoring have been undertaken and indicate low risk, although a completed addendum report has yet to be provided (similarly, for groundwater). However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with appropriate remediation.*

Colchester Borough Council will require sufficient information to be provided to indicate the location of the identified former tank bund, also confirmation that there are no unacceptable risks from this potential pollutant linkage. The comments with regard to making up the ground levels of the development platform are noted: Colchester

Borough Council will require sufficient information to be provided to show that any materials are suitable for use, should such works be considered necessary.

Contaminated Land conditions were then proposed (these are at the foot of this report).

- 8.5 The issue of potential noise and vibration from the nearby railway line was explored and Environmental Control has suggested a number of conditions which are also at the foot of this report.
- 8.6 Natural England did not object, adding: *'We accept the principles of the multi-functional usage of the woodland area as described, however in several ways this lacks detail.'* These details included finalised protected species mitigation plans and possible loss of woodland habitats due to competing species. It also expressed concern that Hopkins Homes was to be responsible for mitigation and concluded that 'further detail is needed to ensure that the nature conservation, amenity, and hydrological / drainage functions of this area are appropriately integrated.'

OFFICER COMMENT: Further details have been submitted, which your Coast and Countryside Officer has agreed to. This includes a Management Plan as well as a new area of planting to compensate for any incidental loss of trees.

- 8.7 Landscape Conservation Advised that the proposed landscaping scheme needed to be addressed along the following lines: Tree planting to be revised to be more locally compatible; Landmark trees should not be in gardens, rear gardens should not back onto land including TPO trees; Other matters including further attention to the Iron Latch Lane link were also cited. The conclusion was that the Landscape aspect be refused as proposed and that amendments were required.

OFFICER COMMENT: The issue of an agreed landscape plan will be left to condition in view of these comments.

- 8.7 Trees: Our Arboricultural Officer requested further information relating to areas which had not been plotted, clarification of tree classification, and clarification of how the embankment would be secured and how further erosion of the bank on the southern boundary would be limited. Amongst other items, an implementation and monitoring schedule was requested.
- 8.8 At the time of writing, some final details, principally relating to bank stabilisation, were awaited. This information, together with our Arboricultural Officer's comments and recommendations will appear on the amendment sheet.

- 8.9 Development Team
Development Team initially requested the following:

- 35% Affordable Housing;
- £150,000 for Community Facilities;
- £366,728 (index linked) for Education (primary provision);
- Woodland maintenance contribution of £37,000 per hectare for any areas of land to be maintained by CBC;

- Cycleway link to Dale Close (Highways are currently looking into whether links in this area can be delivered);
- Upgrade of the two nearest bus stops;
- Travel Packs;
- Contribution towards cycle training, marketing and 'led rides' (Paul Wilkinson to confirm the amount).
- £5,100 towards recycling and waste was requested, to be added as an informative on the decision notice.

All of this was pending a viability report, which has now been submitted to us, and which concluded that a lower provision of affordable housing (25 per cent) was 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 Stanway Parish Council has objected, stating:

'The traffic surveys are not adequate, nor is access to Halstead Road from either the A12, or the Lexden/London Roads. The wildlife surveys are not detailed enough and there is no provision for what will happen after the quoted 10 year period is up. The findings of the geological report with regards to drainage issues have not been incorporated into the development plans. The general infrastructure issues i.e. doctors, public transport, school placements have not been looked into enough. Whilst these facilities are present, they are already overstretched and the commencement of 84 new builds at Lakelands in front of this proposal will put an even greater strain on current resources.'

10.0 Representations

10.1 53 letters of objection were received and covered the following points:

- The site should not be developed;
- It is a Local Wildlife Site;
- Visibility on the road is poor;
- The bus service is not good enough;
- Schools cannot cope;
- Cars travel too fast down Halstead Road;
- A proper footpath is required;
- Air pollution;
- Flooding on site;
- General loss of trees;
- Loss of flora and fauna;
- Noise from the railway makes the houses unsalable;
- Safety next to railway is questionable;
- Woodland to the north would become more of a playground, to its detriment;
- Rural nature is lost;

- Pleasant views will be lost;
- The land is contaminated;
- Loss of privacy;
- Increased anti-social behaviour;
- Increased noise;
- Increased light pollution;
- Increased nuisance from construction traffic;
- Potential loss of archaeology;
- A dangerous access point is being proposed;
- No benefits to locals;
- Tree report has down-graded classification of trees – why?
- Hopkins should not be overseeing the wildlife mitigation;
- The management plan for the wildlife site needs to extend beyond ten years;
- Traffic survey is flawed;
- Acoustic/vibration survey is flawed;
- The development is not in keeping with the area;
- The proposed sewerage arrangements are not acceptable;
- Proposal should include traffic calming measures for London Road end of Halstead Road, or even made one-way

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 offers 308 car parking spaces (against an average expected requirement of 277 spaces), 4 motorcycle spaces, 4 spaces for people with disabilities, and provision for 184 cycle parking spaces.

12.0 Open Space Provisions

- 12.1 The proposal offers 10 per cent on site provision, including a play area (LEAP) as well as informal recreational use of woodland to the north of the railway line.

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 Report

Design and Layout

- 14.1 The layout of the site has been informed by the Stanway Railway Sidings Development Brief (adopted May 2011). This was tailored to respond to the significant constraints in terms of topography and proximity to the railway and protected trees which mean that the site cannot be developed 'in a standard or efficient manner.'

- 14.2 This means, as was recognised in the Development Brief, that ‘The lack of visual connectivity between the site and the surrounding residential development facilitates deviation from the prevailing scale and massing in the surrounding residential area.’ The development, therefore, will have its own character, its own ‘sense of place.’
- 14.3 The net density of the developable site is 31 dwelling per hectare (21 per hectare if looking at the whole site) which is not dissimilar the prevailing edge of town/suburban density.
- 14.4 The access (a T junction onto Halstead Road) encounters significant change in levels which mean that there is no secondary road until deep into the site. It is this, plus the need to minimise the access gradient, which dictate the layout of the development.
- 14.5 From the access road, westwards, a meandering spine road serves 15 houses and two groups of flats in the narrower section of the development, whilst a road east leads to several smaller roads which serve the remaining properties in a typically more ‘estate’ style of layout in three distinct pockets.
- 14.6 The proposed dwellings have a range of heights, smaller ones ranging from 4.8m to the eaves and 8.5m to the ridge. Taller dwellings and the 3 storey apartment blocks will be 8m to the eaves and 12m to the ridge, whilst the garages will measure approximately 2.2m to eaves and 3.9m to their ridge. Because of the levels change across the site, the perception of these heights, when viewed from Halstead Road, would be altered and it is likely that rooftops only of the two-storey properties would be glimpsed beyond the retained tree cover.
- 14.7 The majority of the development is two storey, with taller properties giving accentuation to focal and arrival points.
- 14.8 The materials used comprise a mixed palette of vernacular references, comprising brick for half of the properties, mixed with rendered finishes (20 per cent) and weatherboarding (25 per cent) around the perimeter of the site.
- 14.9 The affordable dwellings are to use the same materials as the market houses, and are to be split into three groups to assist with visual integration of the development.

Amenity Provisions

- 14.10 Garden sizes vary enormously, from 424 m² in the case of plot 123, down to 25 metres in the case of some of the two-bedroom dwellings.

14.11 There is a deficiency on some plots (24 in total) although most of these are negligible. However, up to nine of these are noticeably deficient, as follows:

Plot Number	Rooms	Garden Size (m2)	Deficiency (m2)
4	4	60	60
16	2	27	23
23	2	26	24
32	4	58	42
39	2	25	25
47	4	60	40
75	4	66	34
96	2	25	25
102	2	27	23

14.12 Some of these are justifiable within the terms of the Essex Design Guide, which states that smaller garden sizes are acceptable for houses backing on to communal open space, or which form a particular role in a layout (i.e. turning a corner). This explains some, but not all of the deficiencies.

14.13 It must also be noted that due to the long, and at places, slender, shape of the site, many of the gardens are also oversized. The gardens to the western end being particularly generous.

Residential Amenity

14.14 This has been raised by some parties as being a concern. In general terms, apart from the fact that the area would be busier, with an increase in people and traffic, there do not appear to be any issues of amenity which would make the scheme unacceptable.

14.15 The three houses of Iron Latch Lane are the closest to the development site, but are some distance from, and on much higher ground than, any of the proposed dwellings. There is no way in which these existing dwellings will suffer loss of amenity.

14.16 The houses across Halstead Road are in excess of 50 metres away from the nearest houses, and with a band of mature trees separating them from the new build. In addition, the new houses are considerably lower than the ribbon development of Halstead Road. Consequently, there is no chance of loss of light, outlook or privacy from the development. Further west this reduces to about 40 metres, with less of a drop and a thinner covering of trees, but is still so far removed from the existing houses as to cause no identifiable loss of amenity.

14.17 The amenity of the proposed dwellings has also been raised as an issue. This relates to overshadowing from trees and to vibrations from railway lines.

14.18 On both of these points, the strategic decision has been taken that this parcel of land is allocated for housing. Given the constraints of the site (TPO trees to the south, the railway line to the north) such effects are inevitable.

- 14.19 In the case of the trees, our Arboricultural Officer has advised that the situation is not ideal, and that occupiers of the new residences may complain about the presence of the trees. However, the principle of 'buyer beware' is relevant here. The trees have preservation orders on them, are vital to the acceptability of the scheme, and will not be removed to assist the development's future occupiers.
- 14.20 Concerning the railway line. Environmental Control have not objected, but have consulted several other Local Authorities to ask them what measures they have requested to be put in place for schemes such as this. As a result they have proposed a condition requesting a vibration protection scheme which includes a combination of land separation, vibration control techniques and other measures.

Highway Issues.

- 14.21 It is noted that during the consultation period, several issues were raised relating to traffic surveys, possible Highway congestion, and site-specific issues such as gradients and road configuration. These, however, have now been largely resolved.
- 14.22 The Highways Agency has been satisfied that the surrounding trunk road network will be able to accommodate the increased pressure, and the Highway Authority has not objected (see points 14.1 and 14.2).

Open Space Provision.

- 14.23 Development Policy DP16 states that 'Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.'
- 14.24 In this case, on a site with a gross area of 5.745 ha, the open space provision should be approximately 0.575 ha, (5,750 m²). The area quoted as being 'usable Public Open Space' is, 1,676m². However, when added to the other incidental areas of open space (5,869m²) this equates to 7,545m². If one adds the buffers, including the areas with protected trees, this increases to 1,9221m² (about one-third) which gives a very spacious feel to the site.
- 14.25 However, in recognition that some of this is simply visual open space, and is not readily usable due to the slopes and the presence of protected trees, a parcel of land to the north of the railway line is also being offered as open space.
- 14.26 This land measures 14ha and it is proposed that the eastern half of this be used for public 'open space' with a woodland management plan. The open space aspect need not necessarily lead to the removal of any trees and it in effect a formalisation of the status quo, whereby people have accessed the woodland, albeit without the permission of the land-owner.
- 14.27 To the west it is proposed that a 7.28ha Ecological Enhancement Area, with mitigation wetland areas be created. This will lead to the loss of some trees.

- 14.28 In addition, compensation planting of 1.75ha on land just to the west of the existing woodland north of the railway line is proposed to offset the 3.9ha loss on the development site.
- 14.29 There have been suggestions from some objectors that the Ecological Survey was not properly undertaken and that, for example, slow-worms were omitted from the study. However, our Coast and Countryside Planner has advised:
- 'The timing of the reptile surveys and the methods used to survey for them (slow-worms) i.e. tin sheets and matting were suitable to attract slow worms if they were present at the site. The pre construction reptile surveys and proposed construction of 20 new refugia and hibernacula in the Ecological Enhancement Area to support the translocation of these species is positive. The pre and post construction surveys and post construction surveys should include all reptiles including Slow Worms.'*
- 14.30 She adds that *'Under parts of Section 9(1) (of the Wildlife & Countryside Act 1981) slow-worms are protected against intentional killing and injuring but not 'taking'.* Therefore, the relocation of these, should they be found on site. It is proposed that a condition be included if permission is granted, stating that all monitoring and mitigation implemented for reptiles should include Slow Worms.
- 14.31 More generally, Coast and Countryside Planner has reminded us of the importance of *'A long term woodland management strategy...to ensure that the woodland is managed for the benefit of wildlife and to enable public access to be planned through the woodland'* and that a Green Infrastructure Strategy be prepared bring the various strands together.
- 14.32 In response to the concern Hopkins Homes Ltd will be overseeing the monitoring of the site over the next 10 years, the Planner has stated that this is acceptable, but that *'assurances should be sought that this will involve them employing suitably qualified experts to carry out the ecological surveys and to prepare the Green Infrastructure/Woodland Management strategy.'*
- 14.33 It is further advised that *'A condition (or clause in the s.106 agreement) should be attached stating that any organisation which is involved in or takes over responsibility from Hopkins Homes for the Railway Sidings for implementing the 10 Year Plan will be tied to the environmental obligations set out in the Plan and conditions attached to the permission.'*
- 14.34 Thus, the broad aims of the near-term future of the woodland to the north are settled, but need to be firmed up in the s.106 agreement (and through various conditions), but the longer term aims including the stewardship of the site, will need to be clearly stated in this agreement.

15.0 Conclusion

- 15.1 Whilst the proposal would alter the character of this part of Stanway, it is an allocated site in the Local Plan, therefore the principle of the development is not opposed.
- 15.2 The objections raised have been noted and responded to, and it is felt that none of these, nor all of these collectively are sufficient to refuse the application.

- 15.3 The proposal offers a development of reasonable quality and complies with car parking standards, albeit that some of the dwellings would have amenity space which is below the minimum requirements.
- 15.4 25 per cent affordable housing, plus improvements to the Highway and use of woodland to the north, along with new planting and a wildlife mitigation strategy mean that the benefits can be said to balance the negative points raised.
- 15.5 The loss of woodland on the site is to be mitigated by the more important trees being preserved (provided the final engineering details are satisfactorily submitted) and compensation planting to the north of the railway line.
- 15.6 The development is, therefore, acceptable, subject to confirmation of our Arboricultural Officer on the points raised above, and Members are advised to approve this application.

16.0 Recommendation

Subject to the above points being resolved:

1. APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- 25% Affordable Housing;
- £150,000 for Community Facilities;
- £366,728 (index linked) for Education (primary provision);
- Woodland maintenance contribution of £37,000 per hectare for any areas of land to be maintained by CBC;
- Cycleway link to Dale Close;
- Upgrade of the two nearest bus stops;
- Travel Packs;
- Contribution towards cycle training, marketing and 'led rides'
- £5,100 towards recycling and waste was requested, to be added as an informative on the decision notice.
- Compensatory planting in the 1.75ha parcel of woodland to the west of the existing woodland.
- A strategy for land to the north of the railway, which shall include:
- A woodland survey and a long term woodland management strategy to be prepared and submitted to Colchester Borough Council prior to occupation of any unit.
- An overarching Green Infrastructure Strategy for the Local Wildlife Site (LoWS) to bring all these strands together. The Woodland Management Strategy could be integrated into this document.
- A post-construction long-term management strategy for the Great Crested Newt Habitats.
- A monitoring and mitigation scheme for all reptiles (including Slow Worms).
- Confirmation that any subsequent land-owner will also inherit the implementation of the 10 Year Plan.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

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 approved shall comply in all respects with the submitted drawings 2722-D-1 rev C, 2722-D-2 rev C; Planning Layout - drawing COL2/002 revision E; Amenity Plan - drawing COL2/007 revision E; Site Areas - drawing COL2/006 revision E; Cross Section - drawing COL2-004 revision A; Refuse Collection - drawing COL2/008 revision A; External Works Layout – drawing COL2/003 revision E; House Plans COL2-111, Site Entrance Views COL2-112, Finishes Layout COL2-009.5, Elevations: Drawings COL2-010 rev A, COL2-011 rev A, COL2-013 rev A, COL2-015 rev A, COL2-018 rev A, COL2-019, COL2-019.1, COL2-021 rev A, COL2-021.1, COL2-022 rev A, COL2-023 rev A, COL2-026 rev A, COL2-028.1, COL2-028 rev A, COL2-029 rev A, COL2-031 rev A, COL2-031, COL2-032 rev A, COL2-033 rev A, COL2-034 rev A, COL2-036 rev A, COL2-036.1, COL2-041 rev A, COL2-043 rev A, COL2-044 rev A, COL2-045 rev A, COL2-047 rev A, COL2-049 rev A, COL2-050 rev A, COL2-051 rev A, COL2-052 rev A, COL2-053 rev A, COL2-054 rev A, COL2-055 rev A, COL2-057 rev A, COL2-058 rev A, COL2-058.1, COL2-059 rev A, COL2-060 rev A, COL2-062 rev A, COL2-064 rev A, COL2-065 rev A, COL2-066 rev A, COL2-067 rev A, COL2-067.1, COL2-071 rev A, COL2-072 rev A, COL2-073 rev A, COL2-074 rev A, COL2-075 rev A, COL2-080 rev A, COL2-081 rev A, COL2-082 rev A, COL2-082 rev A, COL2-084 rev A, COL2-085 rev A, COL2-085.1, COL2-085.2, COL2-087 rev A, COL2-089, COL2-090 rev A, COL2-091 rev A, COL2-092 rev A, COL2-093 rev A, COL2-094 rev A, COL2-095 rev A, COL2-096 rev A, COL2-097 rev A, COL2-098 rev A, COL2-099 rev A, COL2-100, COL2-101 rev A Internal Layout Drawings COL2-012 rev A, COL2-014 rev A, COL2-020 rev A, COL2-024, COL2-025, COL2-027 rev A, COL2-035 rev A, COL2-037 rev A, COL2-046 rev A, COL2-048 rev A, COL2-056 rev A, COL2-061 rev A, COL2-063 rev A, COL2-068 rev A, COL2-069 rev A, COL2-070 rev A, COL2-076 rev A, COL2-077 rev A, COL2-078 rev A, COL2-083 rev A, COL2-086 rev A, COL2-086.1, COL2-086.2, COL2-085.1, COL2-088 rev A unless otherwise agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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.

4 - Non-Standard Condition/Reason

Prior to the commencement of development, 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 must be prepared, and is subject to the approval in writing of 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.

5 - Non-Standard Condition/Reason

Prior to the commencement of development other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. 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.

6 - Non-Standard Condition/Reason

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 3 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

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

7 -Non-Standard Condition/Reason

Prior to the first occupation 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 Conditions 3 to 6.

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.

8 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme for protecting the proposed development from vibration shall have been submitted to and approved, in writing, by the Local Planning Authority. The vibration protection scheme shall include a combination of land separation, vibration control techniques and other measures as set out in current guidance on vibration levels and such secure provision as will ensure that it endures for so long as the development is available for use, and that any and all constituents parts are repaired, maintained or replaced in whole or in part so often as occasion may require. The approved mitigation scheme shall be implemented in its entirety prior to the first occupation of the development hereby permitted and adhered to thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings.

9 - Non-Standard Condition/Reason

The application shall include the submission of a noise survey for proposed residential properties that are in the vicinity of the [road] [railway] [other noise source] which shall have been undertaken by a competent person. The survey shall meet the requirements of Planning Policy Guidance Note 24 (PPG24), or any document that has superseded PPG24 at the time of submission, and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours and shall identify appropriate noise mitigation measures. All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 'good' conditions given below: -

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours

- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue external noise where there is insufficient information within the submitted application.

10 - Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

11 - Non-Standard Condition/Reason

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Reason: In the interests of safety on the railway.

12 - Non-Standard Condition/Reason

The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement.

Reason: In order to minimise pollution of the soil on site.

13 - Non-Standard Condition/Reason

Details of proposed drainage must be submitted to, and approved by the local planning authority; and the works shall be carried out in accordance with the approved details.

Reason: In order to achieve a satisfactory drainage of the site.

14 - Non-Standard Condition/Reason

Prior to commencement of works, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence shall be submitted for the approval of the Local Planning Authority and the works shall only be carried out in accordance with the approved details.

Reason: In order to protect the neighbouring railway line in the interests of railway safety.

15 - Non-Standard Condition/Reason

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity.

16 - 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.
- Means of enclosure.
- Car parking layout.
- 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, signage, lighting).
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).
- Retained historic landscape features and proposals for restoration. Soft landscape details shall include:
 - Planting plans.
 - Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - Schedules of plants, noting species, plant size and proposed numbers/densities.
 - Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

17 - 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.

18 - Non-Standard Condition/Reason

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

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

19 - Non-Standard Condition/Reason

Prior to any occupation of the development hereby approved, details of a knee rail or handrail to the specifications of the Highway Authority shall be submitted in writing to, and approved in writing by, the Local Planning Authority in conjunction with the Highway Authority and shall be provided prior to the occupation of any unit and retained as such at all times.

Reason: In the interests of pedestrian and Highway safety.

20 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

21 - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall 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.

22 - Tree and Natural Feature Protection: Entire Site

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

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

23 - *Play Area as Shown on Plan

Prior to the first occupation of the development hereby permitted, the area shown on the approved plan COL2/002/Rev E shall have been laid out in full accordance with the details shown unless otherwise subsequently agreed, in writing, by the Local Planning Authority, and that area shall be maintained thereafter for use as a play area.

Reason: To ensure that the play area shown on the approved plans is available for use from the first occupation of the development and that adequate provision is subsequently retained in perpetuity.

24 - Non-Standard Condition/Reason

No commencement of the development shall take place until the application drawings have been amended and submitted to and approved in writing by the local planning authority to show provision of the following:

- A footpath/cyclepath into the north east, south east and south west corner of the proposal site to link it with Iron Latch Lane and Halstead Road respectively. A cycle wheel gutter shall be provided at any steps
- The footpath which runs around the southern edge of the built form between the footpath/cyclepath adjacent to the LEAP and plot 74 a shared footpath/cyclepath
- The gradient of the site access road at the point where it meets the Halstead Road carriageway not exceeding 1 in 40 for a distance of 10 metres into the proposal site from the edge of the Halstead Road carriageway
- The road from plot 30 around to plot 22 and 24 a cul-de-sac. A minimum 4.8 metre wide carriageway between plot 22 and 24
- The footway fronting plot 13-15, 19-22 and 24-30 a minimum 2 metres wide
- The visitor parking spaces opposite plot 117-120 a minimum 6 x 2.9 metres
- The layout of the entrance to the type 8 mews court between plot 47 and 62 amended to allow for access by refuge vehicles and fire tenders

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 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

25 - Non-Standard Condition/Reason

No occupation of the development shall take place until the following has been provided or completed:

- A priority junction off Halstead Road to provide access to the proposal site. Junction to include 2no. footways with dropped kerb/tactile paving and a 70 x 2.4 x 70 metre visibility splay maintained clear to the ground at all times
- Upgrading of the existing footway along the northern side of Halstead Road to a minimum 3 metre wide shared foot/cycleway between Dale Close and Iron Latch Lane
- A minimum 2 metre wide footway along the southern side of Halstead Road between Dale Close and Cornflower Close
- Dropped kerbs and tactile paving in Dale Close, Cornflower Close and Tudor Rose Close at their junction with Halstead Road
- Tactile paving at the existing 4no. dropped kerbs on the northern and southern side of Halstead Road at its junction with Iron Latch Lane
- Upgrading of the five bus stops in Halstead Road which will serve the proposal site to the latest ECC specification to include but may not be limited to real time passenger information
- Residential Travel Information Packs

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.

Informatives

(1) 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) Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.

(4) Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

(5) Any scaffold, cranes or other mechanical plant must be constructed and operated in a "fail safe" manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. To avoid scaffold falling onto operational lines, netting around the scaffold may be required. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail's Asset Protection Team.

(6) If it is necessary to close the railway and restrict rail traffic, "possession" of the railway must be booked via Network Rail's Asset Protection Team and are subject to a minimum prior notice period for booking of 20 weeks.

(7) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

(8) The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant.

(9) Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters. Land Ownership (NR Land/BRB Land/Retained Access Rights).

(10) The development is to be located on an area of land owned/previously under the ownership of Network Rail. The applicant should contact Network Rail's Operational Portfolio Surveyor to understand further the implications this may have. Often these sites are sold and are the subject of a demarcation agreement which may include particular rights in relation safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time.

(11) Approval of the method statement for demolition of buildings must be obtained from Network Rail's Asset Protection Team before the development can commence.

(12) No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains. Details of proposed drainage should be submitted to the railway undertaker.

(13) The railway undertaker should be made aware of details of proposed details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence.

(14) The railway undertaker should be made aware of the details of any vibro-compaction machinery.

(15) The developer is advised to liaise with the railway undertaker to ensure that lighting from the development does not interfere with signal sighting.

(16) 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.

Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

(17) All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

Positivity Statement

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: 121902

Location: Williams & Griffin Ltd, 152 High Street, Colchester, CO1 1PN

Scale (approx): 1:1250

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7.3 Case Officer: Andrew Tyrrell

MAJOR

Site: 152 High Street, Colchester, CO1 1PN

Application No: 121902

Date Received: 22 October 2012

Agent: Aukett Fitzroy Robinson

Applicant: Williams & Griffin Ltd

Development: Enlarged and refurbished Williams and Griffin store including part demolition and rebuild, remodelling of external elevations and internal alterations.

Ward: Castle

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 planning application with an attached s106 planning obligation and also because there are unresolved objections relating to the loss of the facades of 147 and 149 High Street in order to accommodate the redevelopment.

2.0 Synopsis

2.1 This report will set out the key planning issues and illustrate the arguments for and against the proposal. Generally, there seems to be little debate about the desirability of the economic and social benefits the scheme brings, with substantial investment being made in the town centre. However, the crux of the matter revolves around a central debate on the retention or redevelopment of the two facades at 147 and 149 High Street, the current menswear section of W&G. These facades are locally listed, although not in themselves designated heritage assets, however a pure conservation perspective would point towards their retention. More broadly, it is argued herein that their significance is not of such great value within the wider planning considerations of the application as to justify a refusal. On balance, the benefits of this redevelopment are considered to outweigh the negative aspects and therefore, taking account of all material planning considerations, it is recommended that the application should be approved.

3.0 Site Description and Context

- 3.1 The site consists of the existing Williams and Griffin store (W&G) owned by Fenwick Ltd and occupying numbers 147-155 High Street, Colchester. This building consists of several unit numbers as detailed below:
- 147 and 149 High Street form the current menswear section on the eastern half of the site and are 1920s buildings, although they underwent significant refurbishment in the 1990s and the remaining facades are the remains of the 1920s fabric. Behind these sits a more recent addition to the building that takes up the northeast corner of the site.
 - 150 and 151 High Street are the current Radcliffe and Kurt Geiger retail units in the centre of the site. These are older properties although their ground floors in particular have undergone some significant modification over the years.
 - 152-155 High Street is the modern block dating from the 1960s, which forms the “main” entrance to the department store. This building extends northwards across the site covering the majority of the western half of the site.
- 3.2 Between numbers 149 and 150 High Street is the Foundry Lane. This currently forms another secondary entrance into the store via housewares. Historically it was an entrance to the foundry that occupied the northern parts of this site. There is also a current pedestrian link from the High Street to the NCP car park to the north at the western extremity of the site.
- 3.3 The existing Williams & Griffin department store has six floors within a three storey building as seen from the High Street. Childrenswear and toys are within the basement, cookware and electricals on the lower ground floor, beauty and fashion accessories on the ground floor, womenswear on the first floor and home furnishings on the second floor. There is also a shoe floor for men and women on the mezzanine level. Services include personal shopping, a hair salon, a nail and brow bar, a coffee shop and a restaurant.

4.0 Description of the Proposal

- 4.1 The application seeks to provide a modern retail department store with easier circulation and access routes. Currently the W&G store consists of five levels with sales floor accommodation on 4 floors. There is also a customer restaurant on level 2. The proposed refurbishment comprises the extension of the sales floor areas at all floors (although primarily on levels -1, 1 and 2), a new stock room and plant accommodation at level 3, “back-of-house” facilities at level 2. As part of this redevelopment the store will be expanded to provide additional floorspace. At present the retail area is 7485 square metres with a net tradable area of 4970 square metres. This will be increased by 3440 square metres in total although an extra 3506 square metres of net tradable area will be provided. This includes 400 square metres for a larger restaurant element and an extra 200 square metres for the coffee shop element. It gives a total of 10925 square metres of floorspace with a net tradable area of 8476 square metres.

- 4.2 Externally, there are proposals to re-elevate the frontage of the main western block forming numbers 152-155 High Street. The central units at 150 and 151 High Street will be refurbished and their ground floors restored, whilst the eastern section containing numbers 147 and 149 High Street will be fitted with a new and a more homogenous frontage of a contemporary style that reflects the new frontage to the western half of the High Street frontage. Further north behind the existing menswear floorspace, the rear half of the eastern building will be demolished and replaced. The remodelling of the rear and side elevations is also proposed. The proposed materials are Portland stone, brick, and render. The High Street frontage will be predominantly glazed with bronze cast finials breaking up the elevation and providing a rhythm taken from various elements of the surrounding area.
- 4.3 As part of the proposal the new store would retain a gap at the current location of the historic entrance to the foundry and provide public art to depict this former use on a recessed wall facing onto the High Street as part of the proposed s106 Legal Agreement for planning obligations. The space would otherwise operate only as an emergency exit once completed. The existing pedestrian link through from the NCP car park to the High Street is retained, although in the daytime it is proposed to incorporate the route into the retail floorspace of the store. Other internal works include centralizing the escalators, levelling some of the floor levels and generally modernising circulation and access around the store to meet current standards and, for the applicant, to “improve the shopping experience”.
- 4.4 Redevelopment would be phased so that the store continues to trade throughout construction. For full details of the proposed changes Members of the Committee are directed to the website, and will be shown plans during the Committee Meeting presentation.

5.0 Land Use Allocation

- 5.1 The site lies within Colchester Town Centre Conservation Area 1 and is part of the primary retail use area of the town centre. The proposal will have an impact upon several Designated and undesignated Heritage Assets apart from the Town Centre Conservation Area, including the demolition of the locally listed 147 and 149 High Street facades (negative impact), as well as to the restoration of 150 and 151 High Street (positive impact). There is also an impact on the setting of the St George’s Hall (Grade II), the Essex and Suffolk Fire Office (Grade II*) and the Town Hall (Grade I).

6.0 Relevant Planning History

- 6.1 The site has a number of past applications on it; however none are of particular significance to this scheme which is on a much “grandier” scale to previous upgrades to the existing store. This scheme was part of a pre-application process and has been discussed with Colchester Borough Council for over a year. During that discussion various stakeholders were also involved, including English Heritage, the Council’s own Conservation Officer, ECC Highways, our Building Control and Members.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (NPPF) is a key consideration.

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - CE1 - Centres and Employment Classification and Hierarchy
 - CE2a - Town Centre
 - UR2 - Built Design and Character
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ENV1 - Environment
 - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - DP6 Colchester Town Centre Uses
 - DP14 Historic Environment Assets
 - DP17 Accessibility and Access
 - DP18 Transport Infrastructure Proposals
 - DP19 Parking Standards
 - DP25 Renewable Energy
- 7.4 Further to the above, the adopted Site Allocations (2010) 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
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Vehicle Parking Standards
 - Sustainable Construction
 - External Materials in New Developments
 - Shopfront Design Guide
 - Cycling Delivery Strategy

8.0 Consultations

8.1 Environmental Health have raised no objections. They have stated that should planning permission be granted, this is a large development and the construction/demolition works are likely to impact upon residential and commercial premises/ businesses. Environmental Protection therefore needs to meet with the developer prior to the works being carried out to address this issue. They have also requested a number of conditions, all of which have been incorporated into the recommendation below.

8.2 The Council's conservation officer has raised objection to the scheme. His comments are set out in full in Appendix A to this report. These comments are a key part of the main reports debate and an area where there are differing opinions central to the determination of this case. Some of the key comments of the conservation officer are that:

"Nos. 147 & 149 are proposed for removal. These buildings date from the early to mid C20 and contribute positively to the architectural variety of the town centre. The applicant's heritage architect is critical of the design of these buildings referring to them as being as simple and unremarkable commercial architecture. While this may be the opinion of the applicant, the buildings have nevertheless been identified by the Council and by the community (notably in the form of the Historic Buildings Forum) to have pleasing classical detailing that is typical of their date of construction. Moreover, the buildings have a prominence in the streetscape and are illustrative of a building typology that is not found elsewhere in the town centre conservation area. While the applicant may seek to dismiss these buildings as 'unremarkable' this significantly underplays their contribution to the character and appearance to this part of the town centre conservation area. Their inclusion on the Local List, which was drawn-up independently from the Council, clearly shows that the local community place a high value on these buildings and that they consider them to be an important part of the town's architectural and social heritage. It is also important to note that the no objection was received to the inclusion of these building on the Local List. Given the above, and in terms of the EH categories of value, nos. 147 and 149 are considered to be of local architectural or historic significance such as to merit consideration in planning decisions; the buildings therefore need to be considered in policy terms as undesignated heritage assets."

8.3 The Conservation Officer also adds that:

"It is quite feasible that the current application may have some economic benefits in so far as the scheme proposes the expansion of the existing store. It has not however been demonstrated that the store expansion is not feasible with the retention of all the locally listed buildings or with a design that better reflects the historic character of the High Street. The justification for the loss of the locally listed building and design approach for replacement building is not particularly convincing – i.e. that the store has to have a recognisable presence when viewed in either direction of the High Street."

8.4 The Conservation Officer's comments are echoed by English Heritage who have raised an objection. The English Heritage comments are set out in full in Appendix C. Of note however, is that English Heritage has recommended that the Council refuse the W&G scheme because of the harm to the conservation area resulting from the loss of the 1920s facades.

- 8.5 The Colchester Civic Society has also commented on the heritage values of the scheme. They have taken a more balanced view that raises some points, although also offers some support. They recognise that the proposals “should enhance the town centre as a shopping attraction” and they “welcome the fact that the applicants are prepared to invest significant sums to this end”. However, they raise concerns over the increased height of the menswear end of the site in relation to the retained central buildings, where “the historical character of this building could be compromised as it would be overshadowed on both sides”. The full comments, set out in Appendix D, continue to cover the design of the buildings, the impact on the conservation area and the light pollution that could occur from glazed frontages.
- 8.6 The Building Preservation Trust has also commented on the proposals. They have written in support of the scheme. Their comments are set out in Appendix E, but the conclusion states that “*The Colchester and NE Essex (Building Preservation Trust) welcomes the proposal as ambitious and confidence-inspiring. We hope that its execution will be undertaken with an eye for the detail that will be essential to help make this a worthy addition to the Town Centre Conservation Area. However, we regret the loss of No’s 147 and 149 High Street*”.
- 8.7 The CBC Urban Designer originally commented he had concerns over 4 elements:
1. There was an additional, large element of red brick facing shown on the High Street elevation that was not evident in any of the pre-application material and is incongruous to the other finishes and appearance of the façade.
 2. The rear elevation had a brick pattern throughout its external finish that did relate to the conservation area and was not an appropriate response to the retained element of the building.
 3. They also suggested that the scale of the bronze widow decoration should be different in the eastern element of the main elevation and relate more to the scale of this building rather than appear the same scale as the bronze in the western element. This will provide a more appropriate degree of variation between the elements of the scheme which should be considered as a more appropriate response to the intrinsic principles of the conservation area. It may even be preferable to have a different design for the eastern bronze elements. Details should be submitted for the bronze work to ensure that the pre-application richness and detail has not been value engineered from this aspect of the scheme.
 4. The detail of the bronze finials has not been included.
- Since then, items 1 and 2 have been addressed through ongoing negotiations and amendments to the drawings. Items 3 and 4 are issues that can be addressed through condition and a suitably worded condition is included within the recommendation below. The urban designer has since confirmed that they are satisfied with the scheme.
- 8.8 CBC Spatial Policy have stated that the proposal represents a significant level of investment in Colchester’s Town Centre and accordingly is in accord with the Core Strategy’s priorities for development of the Town Centre in policies SD1 (Sustainable Development Locations), CE1 (Centres and Employment Classification and Hierarchy), and CE2a (Town Centre). Development of such an important anchor store can be expected to have beneficial spin-off effects for the Town Centre as a whole. The proposal is intended to meet BREEAM Very Good standards, which is in accord

with the standard encouraged in ER1 Energy, Resources, Waste, Water and Recycling. The proposal for a key site needs to address the requirements of national and local policy to demonstrate due regard to the setting and character of the historic area (NPPF and DP14 Historic Environment Assets) and to meet high design standards (NPPF and UR2 Built Design and Character). The application site is a prominent landmark on Colchester High Street and is within the Town Centre Conservation Area. The Design and Access statement submitted with the application provides a comprehensive analysis of the proposal's compliance with Local Plan policies (the correct up-to-date national position, however, is presented in the Heritage Assessment but not the Planning Assessment section of the statement.) This analysis, along with the minutes provided of consultation meetings with relevant officers, provides documentation establishing that design concerns have been seriously considered and addressed, although the end solution arguably undervalues the role of the 'commercial classic' façade on the High Street. The developers will be expected to provide a Travel Plan. This will require the provision of cycle parking for staff and customers in line with our adopted Parking Standards.

8.9 The Regeneration Manager for the Town Centre has stated that:

"In today's retail climate all good development requires a major store as an attractor, often known as the 'anchor' store. For many years W&G has acted as the anchor store for Colchester's High Street, but with other important changes to the Colchester retail offer there is a point where those anchor's can get left behind, unless they adapt and change. We have seen this in recent years with improvements to Lion Walk, the Culver Centre and M&S have carried out some minor improvements. W&G need to keep pace with this change and modern renewal/updates.

We believe that the proposed improvements that Fenwick are looking to implement will bring a real improvement and sit perfectly alongside the Council's aspirations to revitalise the High Street.

If an argument were needed to support the demise of a length of 1920's art deco shopfront it can be argued that there better examples existing in the town. Smiths Bar on Church Street is a fine example. But this should certainly not be an argument to alter the application put forward by the architect".

8.10 The Air Quality Officer has commented. Their comments are covered in the relevant section 13 below, however they have raised no objections.

8.11 The Council's Archaeological Officer has commented on the archaeological assessment submitted as part of this application. This is covered in more detail in the main report below, however no objections have been raised.

8.12 Essex County Council Highway Authority would not wish to raise an objection to the application subject to conditions which have been incorporated into other conditions in the recommendation below. These relate to wheel washing and traffic management, which our own Environmental Protection Team also raised. There was also a request for a condition requiring a travel plan including financial contribution, however planning obligations relating to financial requirements can only be requested through the Council Corporate Development team and this is dealt with elsewhere in the report.

8.13 The Enterprise and Tourism Manager has stated that:

“We know from years of opinion research with visitors that shopping is one of the major reasons for coming to Colchester. Visitors particularly like the mix of ‘big name’ and independent shops within an easy geography. That point is really important. Unlike other linear towns like Ipswich, Colchester’s rectangular geography means it is easy to navigate but also economically vulnerable should any ‘corner’ be left uninvested. With major developments like Vineyard Gate and the Cultural Quarter to the south and east of the centre and ambitions to develop a Lanes-style shopping experience along the spine and potential for Crouch St to redevelop its former exclusive position the importance of the Fenwick investment in bringing balance to the north west of the centre should also be noted if the whole town centre is to thrive and footfall and its associated economic benefit is to be spread around rather than focussed.”

8.14 The Enterprise Officer has added that:

“W&G is part of what makes Colchester distinctive; it plays a role in inward investment in both the retail and other business sectors. Now part of Fenwick - the UK’s leading, independent department-store group - W&G functions as a “destination store” for the Borough and the Town, namely, ‘a large departmental store that attracts people from some distance away to a shopping centre and the nearby shops’. The Store provides one of the two main retail appeals within the High Street and balances Marks and Spencer further east. Without this presence, the High Street would undoubtedly struggle more. As one of the major employers in the Borough and within the Town Centre, the Store employs 130 full-time staff and 270 part-time at the current time. There are 305 retail businesses within the Town Centre (MLSOA 007, Neighbourhood Statistics). These shops employ an estimated 4,500 staff, more than 1 in 9 of all people working in the Town Centre. (Most recent available data: ONS, ABI, 2008). Williams and Griffins therefore currently employs close to 10% of all Town Centre retail and distribution employees. As such, the Store draws in shoppers from a wide retail catchment area who then increase footfall for the numerous small, independent stores in the Town. Planned expansion and redevelopment will deliver an increase of almost 50% in the trading area of the store, creating an immediate forecast need for an additional 25 full-time equivalent staff of whom an estimated 12 will be full-time and 26 part-time – a total of 38 additional jobs. The Store is also a significant source of (an unknown number of) seasonal retail jobs and we can anticipate an increase in their number, providing entry routes to the sectors for school-leavers, students and returners to the job market. Fenwick are noted for their commitment to staff training and the firm will play an increasingly important role in preparing people for entry both into their store but, significantly, for employment elsewhere within the retail sector in the Borough. The Council’s Enterprise Team will seek to work with the Store to support its recruitment needs through engaging the partnership support of “Colchester Works!” to target, prepare and present jobseekers to Fenwick for store job vacancies as well as to support efforts to direct construction job contracts and opportunities to Borough firms.”

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 and Pre-Application Member Engagement

- 9.1 The Town Centre is not parished. No ward members have called the item in or commented.
- 9.2 At pre-application stages Members were consulted through the Early Member Engagement Protocol. This meeting was arranged on 28 May 2012 and a presentation was given by the developer. The Meeting was attended by Cllrs Turrell, Frame, Hayes and T. Higgins. The meeting was aimed at providing an overview of the proposal at that time without a discussion about its merits. No prejudicial views were stated and a minute of the meeting can be found in Appendix F in line with the Protocols measures to maintain an open and transparent planning process.

10.0 Representations

- 10.1 One letter of public representation was received by the Council in relation to this application, which was in support of the application. The full text of all of the representation received is available to view on the Council's website. However, a summary of the points raised (grouped by theme) is:
- Considerable support and goodwill exists towards the Williams and Griffin redevelopment proposals. Significantly no objections have been raised by local residents and almost unanimous and heartfelt support for this proposal expressed during the consultation exercise (June and July 2012) / in the local press.
 - Town centres are struggling during tough economic times and they are keen that Colchester thrives, whereby this development is believed key to its future prosperity when a company is looking to invest heavily in the town. "Colchester cannot afford to pass this opportunity by given the recent investment by John Lewis in both Ipswich and Chelmsford"
 - Failure to support this proposal would have long term and deep reaching economic consequences for Colchester and its residents (employment opportunities / impact on other shops etc).
 - Concerned that objections to this scheme have been posted after the period for consultation Whilst recognising the issues raised by the critics are pertinent and must be considered, two key local groups interested in the promotion of high standards of architecture and the heritage of our town - the Colchester Civic Society and Colchester and North East Essex Building Preservation Trust (CNEEPT) - are essentially supportive of the plans.
 - Better architecture and a bigger store will surely pull people in further and so they echo the Preservation Trusts comments regarding "the favourable impact this will have on the conservation of its heritage assets" because footfall and the retail offer will help retain continued investment from others that is so vital to good conservation.

- 10.2 A Public Consultation Exercise was also undertaken by the developer over several days in June and this has been submitted to the Council in summary format. 280 People attended the event and 53 of those completed comment forms. The consultation by Fenwick found that 96% of the people who commented were in favour of the redevelopment scheme proposed. Comments received also included that:
- the investment was welcomed in a recession
 - the redevelopment would increase footfall to the High Street
 - the design gives an interesting modern look
 - the building would be environmentally sensitive

11.0 Parking Provision

- 11.1 The scheme has no customer parking provision. Like many of the town centre units it relies upon customers using options of either private vehicles parked at nearby car parks, or upon the good sustainable network of public transport including bus, train, cycle and walking.
- 11.2 The adjacent Nunn's Road car park is not owned by W&G; the land is owned by CBC and leased on a long term to the NCP. There is a right of access for deliveries to the rear of W&G and also to the adjacent The Duchess PH. This car park has 624 spaces.
- 11.3 The application forms state that a total of 6 parking spaces will be lost. Our car parking standards give a maximum car parking provision for A1 retail developments of 1 per 20 square metres of floorspace with no minimum standard; in order to promote public transport and lead reliance away from the private car. As such the proposed development is in compliance with the car parking standards.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

- 13.1 The site affects an Air Quality Management Area. An Air Quality Impact Assessment has been undertaken as part of the submitted proposal and this has been analysed by the Council's Air Quality Officer. They have stated that they are satisfied with the overall assessment. They would like to see best practice implemented for the construction phase and the best available vehicles used on the project. This has been conditioned below.

14.0 Report

Policy Overview and Acceptability of the Principle of the Development

- 14.1 The NPPF, or "The Framework" as it is to be referred to, is a collective of national policy and the document should only be read and interpreted holistically, not through isolated sections. There is a "golden thread" running through the document which is sustainable development, there are also strong themes of encouraging growth, not introducing unnecessary burden or obstacles to develop and generally reinforcing that planning and development management are about delivering change, not standing

still. This is perhaps most strongly summarised in the Ministerial Foreword to the Framework, which states that:

“The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world... Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment... Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers... So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision... In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise.”

- 14.2 However, the Ministerial Forward and the Framework as a whole also points strongly towards protecting our heritage as a finite resource that once lost, can never be replaced. There are a series of designations that offer protection, including listing buildings, designating conservation areas and employing the use of other restrictions. The starting point is that where a designated heritage asset is found, the presumption would be to retain it. There are no designated heritage assets on this site outside of the fact that it lies within a conservation area. None of the buildings are listed. The local listing does not create a designated heritage asset. This means that in terms of protecting our heritage, there is scope for considering a wider planning context whereby it may well be acceptable to allow the loss of non-designated heritage asset if there is “less than substantial harm”.
- 14.3 The planning system is designed to take a “proactive and positive approach” to assist in delivering new development that stimulates the economy and provides for growth. This is to be achieved through “Sustainable Development”. There are three dimensions to sustainable development:
1. Economic;
 2. Social; and
 3. Environmental.
- These dimensions give rise to the need for the planning system to perform a number of roles and in any decision that an authority takes we need to recognise that a form of balance will need to be struck. Opinion will differ as to where some balances fall, this is the nature of planning.
- 14.4 These national principles are reflected in Colchester’s own adopted policies, which are set out in our Development Plan. The Framework makes it clear that planning is to be a plan-led system and states categorically that the Council’s Development Plan policies are the primary consideration in determining any application. We must also have regard to all other material planning consideration and decide the weight to be attached to each of them when deciding on balance whether or not to allow a development. However, unless a proven harm is demonstrated that outweighs the benefits of a development then the answer should be a default to “yes”.

- 14.5 The Core Strategy establishes a Settlement Hierarchy to guide development towards the most sustainable locations. These development locations will be coordinated with transport infrastructure and the provision of community facilities, shopping, employment and open space to create sustainable communities. The Strategy states from the outset that “Achieving a prestigious regional centre and sustainable communities requires the enhancement of our Town Centre... The Core Strategy establishes a hierarchy that secures the important role of the Town Centre”. This is then expanded, by the additional details that:

“Colchester’s historic Town Centre is the cultural and economic heart of the Borough. The Town Centre will be enhanced through regeneration, public realm improvements, and a balanced mix of uses that sustain activity throughout the day and evening... Over the plan period it is projected that approximately 2000 new homes will be delivered in the Town Centre, including over 1,500 homes that have already been completed or permitted. In addition, Colchester’s Town Centre needs to accommodate more business, tourism and retail developments, including 67,000sqm of net retail floorspace and 40,000sqm of gross office floorspace between 2006 and 2021. The Town Centre will also be the primary location for the delivery of 270–390 hotel bedrooms between 2006 and 2015, and additional hotel developments beyond this period. These targets reflect the findings of current studies assessing Colchester’s retail, business, and hotel requirements. This development will be primarily focused on the Town Centre, and other highly accessible locations, to create a sustainable and prestigious regional centre.”

- 14.6 By definition, it can only be interpreted from this that the Core Strategy acknowledges that the town centre is a historic area, but that this historic area can undergo a reasonable amount of change without suffering significant harm. The question is what consideration needs to be followed to ensure that this is achieved without irreparable damage to the historic town centre. This is reinforced through Policies SD1, SD2, CE1 and CE2. The later of these states that the Council will encourage economic development and regeneration in the Town Centre and seek to deliver over 67,000sqm of net retail floor space to support Colchester’s role as a prestigious regional centre although recognising that the Town Centre Core contains important historic character which must be protected and enhanced by all development.

Design Considerations

- 14.7 Policy DP1 of the Development Policies state that all new development must be designed to a high standard. In order to ensure that the design of new development achieves the aim of preserving or enhancing the qualities of the town centre conservation area, Policy UR2 explains that we will promote and secure high quality and inclusive design that make better places for both residents and visitors. The design of development should be informed by context appraisals and should create places that are locally distinctive, people-friendly, provide natural surveillance to design out crime, and which enhance the built character and public realm of the area. High-quality design should also create well-integrated places that are usable, accessible, durable and adaptable. This recognises that good design is not just about aesthetics, but also about how places are used. A good design in the town centre would therefore fall to be one that creates vitality and vibrancy amongst visitors to the town. It is also notable that the developers have followed the approach advocated by this policy, in starting their design concept from a contextual analysis of the High Street in order to inform their design evolution. They have borrowed basic mathematical equations in terms of ratios, proportions, and overall rhythms of the High

Street to inform their design. This means that although the building is contemporary and unmistakably modern, it pays homage to some of the building blocks of the High Street repetition.

- 14.8 Furthermore, the policy is clear that *“Creative design will be encouraged to inject fresh visual interest into the public realm and to showcase innovative sustainable construction methods.”* The W&G redevelopment would clearly satisfy this principal aim of the Council’s Development Plan aim. As a well designed development it provide features such active and attractive street frontages, building design that optimises sunlight, passive surveillance of public spaces, architecture that is both innovative and, in your case officer’s opinion, remains sympathetic to local character in its basic elements, and that provides adaptable commercial spaces.
- 14.9 Without doubt though, the main design consideration is whether or not the design presents too much uniformity or homogeneity in the conservation area and if so if this fundamentally conflicts with the fine grain details of historic buildings. Policy UR2 states that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported and adds that *“The Council is committed to enhancing Colchester’s unique historic character... features that contribute positively to the character of the built environment shall be protected from demolition or inappropriate development.”*
- 14.10 The site is within a designated conservation area and there is a statutory duty to ensure that development proposals preserve or enhance the character or appearance of the conservation area. Great importance is attached by the Government to good design as a key aspect of sustainable development. The framework states that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* In response to this the design process began with an assessment of the intrinsic qualities if the High Street. Through collaboration with CBC officers the key principles of scale, vertical hierarchy and rhythm were established as criteria to which the design should respond. Both the Conservation Officer and English Heritage were present at these discussions and participated in the establishment of these principles. Several design alternatives were developed and discussed at length so that the most suitable new frontage was collaboratively established and taken forward to the detailed stage of submission. It was agreed that the proposal to sub-divide the façade of 152-154 High Street into three elements will help to break down the bulk of the front façade of this building and thereby improve its general appearance. It was also agreed that the historic burgage plot pattern seen along the high Street would inform this approach and therefore represent a reference and acknowledgement on the local surroundings of the conservation area.
- 14.11 This accords with The Framework as this is also clear that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”* For this reason, the material proposed were also agreed, whereby stone can be seen elsewhere in the conservation area and hand-crafted bronze metal finials are befitting of the historic environment.

- 14.12 Focusing on the two retained buildings (150 & 151), the conservationists have welcomed the improvements to these buildings and your Officer and urban designer were clear from the start that these buildings must be retained because so much of them does remain intact. The Conservation Officer, whilst welcoming their restoration, feels that “the opportunity should be taken to secure the replacement of the existing modern shop fronts with a traditional design that relates to their age / architectural character of these buildings”. It is agreed that the treatment of these two buildings is important to their overall quality and contribution to the High Street and this is an issue that can be suitably resolved through the use of planning conditions. More generally however, Nos. 150 & 151 are to be retained and refurbished in a manner that enhances the conservation area. The Conservation Area Appraisal notes that both buildings are of character but their ground floors (which have modern replacement shop fronts) do not relate to the architecture of the upper floors. The retention of these buildings is a very desirable factor and should be welcomed. Similarly, the open yard between 149 and 150 is the historic entrance to the iron foundry that was located to the north of the High Street and whilst this will not retain footfall as it does currently, the opening will be retained and public art will feature here to give a visual reminder of the former use of this part of the site. This public art will be a positive feature in the town centre and should also be welcomed.
- 14.13 Turning to the 1920s buildings, these underwent significant refurbishments in the 1990s and there is little original building beyond the outer façade onto the High Street. It is now proposed that this façade will also be demolished. At an earlier stage in the discussions it was intended to demolish the whole of these buildings, at which point English Heritage and the CBC Conservation Officer had accepted that they would not be objecting to the demolition of the buildings if it was necessary to achieve a flat floorplate throughout the whole site. Later, the costs of these works resulted in a “U-turn” whereby the internal section of the buildings was to be retained yet the facades were still to be demolished. At this point, both English Heritage and the CBC Conservation Officer then raised objection the loss of the facades. The Conservation Officer has stated that “The proposed replacement building is essentially a scaled down version of the re-elevated main building (nos. 152-154) and the adopted design approach is the result of the desire of the applicant to ‘stamp’ its corporate image on the High Street”. This is not denied by the applicants, who have been clear from the outset that if they are to invest large sums of money into Colchester then they require a presence to be achieved. It is not the Council’s role to either assist or obstruct this notion in principle; it is the Council’s role as a planning authority to ensure that whatever scheme results is acceptable on its planning merits. In seeking to ensure that the scheme is acceptable in planning terms the main thing is whether this homogenization of this section of the High Street is substantially harmful to the character of the conservation area. In considering this, it is worth setting out that both English Heritage and the Conservation Officer have accepted that should the scheme depend on the removal of the 1920s façade then they would not object, however without this being essential they feel that the justification for removing the facades is undermined and therefore they object.
- 14.14 Paragraph 17 of the English Heritage guide referred to by the Conservation Officer states that “Applications will have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the asset’s fabric to which the significance relates and the level of importance of that significance.” Paragraph 44 of the guide adds that “By encouraging applicants to consider both how

existing valued heritage assets can inform high quality design that is inspired by its local context and how the best contemporary design can fit comfortably into its surroundings, the local planning authority can help deliver sustainable communities and places that residents value highly". This Guide therefore accepts that contemporary design can fit into the historic environment provided that it is based on contextual reference principles such as this scheme. The degree to which it succeeds in referencing the High Street clearly differs in opinion. However, it is your Officer's opinion that the contemporary design, whilst visually contrasting to the historic setting, reflects many of the patterns of the conservation area architecture in terms of rhythms, ratios, widths and other basic characteristics. Consequently, it is considered that the design, scale, materials are acceptable within the conservation area. This is a view shared by the Urban Designer, but contested by the Conservation Officer and English Heritage. Ultimately, it is a subjective matter with no right or wrong answer and Members shall have to make their own minds up on the architectural merits of the scheme.

- 14.15 However, there are a number of factors that Members can acknowledge in forming a view, including the concepts that guided this scheme from the outset; that the proposed new building should seek to reflect the pattern of historic building plots and respect the urban grain of the area through the rhythm of architectural composition which was influenced by other sections of the High Street. The first piece of work undertaken by the architects before they commenced design work was to analyse the High Street in both historic evolution, and also through spatial analysis of the current elevations of the northern side of the High Street. The first pre-application meeting discussed the principles that had been found from this, so that these were agreed before design on the new elevation began. One factor of this work was to dissect existing elevations up by vertical patterns of various widths to see which sections of existing buildings fell within these parameters. This information then informed the idea of breaking the glazing up into vertical sections and choosing the proportions at which to do so.
- 14.16 Consequently, with regard to the scale and height of the buildings, the overall height does not significantly alter. The higher section of the building is sited northwards, hidden from eye level views from the High Street although remaining visible to the north of the town. Much of this bulk is also screened by the BT buildings. In terms of the perception from the High Street itself, the Conservation Area Appraisal notes that high stark flank of 152-154 High Street already intrudes upon views from the east along the High Street. The current application seeks to break the bulk of this building down by sub-dividing the façade into three elements, which the conservation officer has accepted "can only assist in improving the general appearance of High Street façade" although he goes on to add that there is a missed opportunity "to address the issue of the stark side flank elevation". This has been discussed with the architects who have agreed to start addressing this issue and it is possible that amended plans will be received prior to the committee meeting to illustrate a way to satisfactorily detail this flank wall. In the event that this is not possible within the timescale, a condition has been included below (should the amendments be received then this will not be necessary provided the additional drawings number is added to condition 2).

The Loss of the Facades to 147 and 149 High Street

- 14.17 There is a need to address the requirements of national and local policy to demonstrate due regard to the setting and character of the historic conservation area (NPPF and Policy DP14 amongst others). The application site is a prominent landmark on Colchester High Street and is within the Town Centre Conservation Area. Primarily, the crux of the conservation issue relates to whether or not the 1920s menswear section of the site should be retained or replaced. 150 & 151 High Street (Kurt Geiger and Radcliffe's) and 147 & 149 (W&G Menswear) are identified in the Council's Conservation Area Appraisals for the town centre as being of local interest. The buildings are also included on the Council's adopted Local List of buildings of architectural or historic interest. The Local List was prepared by the Historic Buildings Forum (which contained historians, architects, architectural historians and archaeologists) and was subject to public consultation prior to adoption.
- 14.18 The Conservation Officer has referenced PPS5's accompanying 2010 Practice Guide and stated that this is still extant and this needs to be given some weight in the assessment of this application. The 2008 English Heritage (EH) guidance on Conservation Principles, Policies and Guidance is also used in their consultation response. This is useful when considering significance, describing a range of '*heritage values*' that may be attached to places and arranged in 4 groups; evidential value, historical value, aesthetic value, and communal value. Value judgements involve an element of subjectivity and it is worth stating that these are "guides". Therefore, flexibility is not out of the question in principle. Indeed, the Conservation Officer has recognised that "what may be regarded as of little or no significance to one person may be of considerable significance to another".
- 14.19 The applicant has provided statement on the significance of the heritage assets affected by this proposal which the conservation officer does not agree with. It is unanimously held that 150 and 151 are of the highest architectural value on this site and for this reason we have sought to secure their retention and restoration as part of the overall scheme. Similarly it is unanimous that 152-155 present a great opportunity to remove a building that currently detracts from the conservation area. However, opinions on 147 and 149 are more complex and varied. From a "pure conservation" perspective nobody would argue that it would be desirable to retain buildings in the first instance, however the fact is that these buildings are not statutorily protected by reason of being designated heritage assets in their own right. They are non-designated. Your Case Officer's professional opinion is that they are not considered to be as valuable. A broader consideration must be taken as to the overall benefits and harms of the scheme in order to fulfil the requirements of the Framework and of planning more generally. The planning process needs to weigh all positive and negative aspects of development and take a balanced approach to determining planning applications.
- 14.20 It is accepted that the existing 1920s facades are attractive, but they are not of a value that should be an obstacle to the overall enhancement of the frontage if other benefits of this scheme outweigh their local importance. Referring towards the Conservation Officer's use of the English Heritage Guide, it could be argued that the most pertinent section to this case is paragraph 57, which recognises that "Understanding the level of importance of that interest is important as it provides the essential guide to how protectively the policies should be applied. This is fundamental to decision-making

where there is unavoidable conflict with other planning objectives.” The paragraphs that follow this section through to para 67 set out measures that an applicant can take to assess the value of heritage assets. This includes desk top heritage analysis, site exploration and then ends with paragraphs on pre-application discussion with authority experts. The applicants have followed this approach and both English Heritage and the CBC Conservation Officer have been part of the evolution of this scheme having been involved in pre-applications discussions that started in July 2011.

- 14.21 Furthermore, the LPA is advised to take a proportionate approach in their requirements, depending on the level of value attached to the heritage resource and as sated above these buildings may be on the Local List, but they remain unlisted as non-designated heritage assets. The only designation here is that of the conservation area that covers the town centre area. The facades are not of sufficient quality to merit listing in its own right because behind this skin there is no historic fabric. So, the “building” consists of a locally listed façade, not more than what is visible from the High Street. That is not to underplay the historic value of this façade, dating from the 1920s and an example of local architects from that period. However, it must be noted that this façade is not of a quality that your Officer would recommend should deny the development. An argument based on heritage grounds would seem an unjustifiable approach when considering the wider consideration mentioned in paragraph 57, where there are unavoidable conflicts with other planning considerations (economic and social benefits).
- 14.22 Contrary to the views of some of the heritage consultees, your Officer would advise that this is also compliant with the spirit of The Framework, which also states that: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” In Paragraph 138 it acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance and loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be categorised as either “substantial harm” under paragraph 133 or “less than substantial harm” under paragraph 134, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. In other words, if the loss of elements that positively contribute towards the whole Conservation Area causes “less than substantial” harm it may be acceptable.
- 14.23 The Spatial Policy Team have commented that the Design and Access statement submitted with the application provides a comprehensive analysis of the proposal’s compliance with policy establishing that design concerns have been seriously considered and addressed. The Urban Designer has also agreed that the scheme is considered to be of an acceptable design quality for the Town Centre Conservation Area. If the criteria of policy DP1 are used it is considered that it is designed to a high standard, avoiding significantly unacceptable impacts and demonstrating social, economic and environmental sustainability. It is your Officer’s opinion that it does respect and enhance the character of the site overall, reflecting subtle characteristics from its context and surroundings and removing existing unsightly features as part of the overall development proposal. It also provides a design and layout that takes into account the potential users of the site (indeed the applicants main aim is to improve

the shopping experience for its customers) including the provision of satisfactory access provision for disabled people and those with restricted mobility.

- 14.24 It also does not significantly conflict with detailed policy on heritage asset set out in Policy DP14. This states that development will not be permitted that will adversely affect a conservation area or important archaeological remains. Policy DP14 continues that development should seek to preserve or enhance heritage assets and any features of specific historic, archaeological, architectural or artistic interest. Although in simplistic interpretation of policy DP14 the demolition of the 1920s facades cannot meet the requirement of DP14(ii), that the development protects and enhances existing buildings that have a particular local importance or character which it is identified through a Local List adopted by the Council, this has to be considered more deeply than a strict technical interpretations of policy. One has to ask, "What is the fundamental principle that this policy requirement is seeking to achieve"? The Local List is designed to identify buildings that potentially have some significance, but not enough intrinsic value to merit a statutory designation as a listed building. The Local List does this by identifying a number of buildings that make some form of positive contribution. These 1920 facades do make a positive visual contribution. English Heritage also point to them having sentimental value to the memories of people who frequented "Jacklins" (however, planning does not protect sentiment). Instead, consider what is it that is so significant about these buildings that we would sustain an argument against appeal. In other words, what is the demonstrable harm caused, and is it so great that a refusal can be justified against a balance of all material planning considerations.
- 14.25 An argument for denying the removal of these facades is that the replacement is "Statement" architecture whereby Fenwick simply want to make their presence apparent within the High Street. A counter argument would be that even this has weaknesses from a traditional line of argument, given that the 1920 architecture was also arguably "statement" architecture, albeit of a different era and architectural style "of the day". It may well be generally considered that this more classical architecture is more appealing to people, and has some historic value, but what is to say that contemporary architecture may not be held as such by future generations. A more traditional pastiche style of architecture that reflected a retained 147 and 149 façade within the main 152-155 High Street frontage would have been entirely the wrong way to address the redevelopment in your Officers opinion. Instead, we should consider if their history highlights any significance that identifies that "substantial harm" would be caused by their loss in the first place.
- 14.26 It has been suggested that the facades could be important for various reasons, but three are of particular consideration. These are the suggestion that:
- 1) They may be fine examples of 1920s architecture;
 - 2) They may be fine examples of "art deco" or "commercial classic" architectural styles; and/or
 - 3) They may be fine examples of their local architectural practices.

- 14.27 Firstly, are the two facades of 147 and 149 fine examples of 1920 architecture? In response to this, your case officer has considered the degree of historic fabric remaining, which is the façade itself. The buildings behind were allowed to be refurbished in circa 1997. Therefore, we are not talking about “buildings” we are talking about facades. Then, within this façade, we must also observe that the ground floor is also not original. Number 149 has previously been a garage and there was a large opening spanning the frontage, but even this has since been modified. Essentially, we are talking about objecting to the demolition of the first floor front wall of the units. Looking at this level, it is argued that there are better examples of 1920s architecture around the town centre.
- 14.28 It is also argued that there are better examples of the architectural style around the town centre. Some of these are within immediate proximity of this site. The DAS illustrates some of them in the developers’ own analysis of the heritage assets. We have also insisted in the retention of such facades when nearby buildings were recently redeveloped. Thus, where there is an argument to hold this line the Council has proven that it will do so. In this case your officer does not feel there is sufficient justification for doing so based on the material facts of what we are preserving. This would not set a precedent for others to follow, as there are many better cases of historic buildings within the conservation area where the balance of considerations would be significantly different.
- 14.29 Then, with regard to the architectural firm, details of their work can be read in the DAS too. Goodey & Cressall were predominantly (not exclusively) known for building schools in the late 1800s. This scheme does postdate their working lives, and would have been done by their successors (in fact one of the buildings was completed by Duncan, Clark & Beckett). Of both the original architects and the later successors none would claim that his building was typical of their style so there is no argument that this is important as a preservation of their “house style” as a local practitioner. Your case officer would point to better examples of their work, that remain largely intact as per original construction in locations such as the lighting shop on north station approach. In fact, in terms of original fabric, the facades seem to have very little left in comparison with other works in both the architects name and also in similar periods or styles. On this basis, it is not recommended that the Council refuse planning permission based on the need to retain the two 1920s facades.
- 14.30 The above runs contrary to the opinions of our own Conservation Officer and English Heritage. However, there is some support from other conservation bodies. The Colchester Civic Society have raised more concerns over the impact on nearby listed buildings due to the increase in height of this section of the development. This appears to be the focus of their concerns more than the loss of the 1920s facades. More clearly, the Building Preservation trust are more supportive. They have suggested that a more pragmatic approach is possible. The aim of the Building Preservation Trust are *“essentially to either directly or indirectly conserve the heritage of the locality”* and they *“do so on the basis that our environmental inheritance is a finite resource that needs to be properly managed”*. They have stated that the Trust warmly supports the proposal and recognise that the vast majority of investment in the environment and in the preservation of heritage assets comes from the private sector. Although they recognise that a key issue is the demolition of 147 and 149 High Street, they are of the opinion that *“subject to a high attention to detailing and use of appropriate, high quality materials, the new façade to the High Street is likely to add to the special character of*

the conservation area". Although they *"have no doubt that these facades should preferably be retained in the scheme and we regret that the applicant does not consider it possible"*, they nevertheless have generally welcomed the scheme.

Socio-Economic Considerations

- 14.31 The welcoming of the scheme may be because it clearly has significant social and economic benefits. On the economic strand of Sustainable Development, the Government position is clear. The framework states that "The Government is committed to securing economic growth in order to create jobs and prosperity". It continues to add that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth." If these messages were not clear enough then it clarifies that "significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century."
- 14.32 The Spatial Policy team have also confirmed that the scheme is also in accordance with the Core Strategy's priorities for development of the Town Centre in policies SD1 (Sustainable Development Locations), CE1 (Centres and Employment Classification and Hierarchy), and CE2a (Town Centre). Development of such an important anchor store can be expected to have beneficial spin-off effects for the Town Centre as a whole. Therefore, it is clear that in principle the economic benefits of this development are not questioned. In terms of just how significant they are, some more context as to how the town centre currently performs is needed.
- 14.33 The current Colchester Town Centre Retail Study (dated November 2011) found that *"In very general terms, there is an ongoing need to provide more modern retail facilities, be this through refurbishment of existing stock or provision of new floorspace. This enables the proposition to remain fresh and appeal most readily to changing consumer demands"* (p. 126). It also concluded that *"Colchester needs to continually enhance its retail standing if it is to remain competitive to other centres and to cater fully for the changing demands of its catchment base."* (p. 7). Specifically, the report identifies that the High Street is in need of revitalisation. This is a key finding in the Retail Study that relates to the application site. If the town centre as a whole is considered there is an uneven distribution of its "magnets" and this will continue through the current proposed development investments in and around the town if the north-west corner of the town centre is not included. This proposal is the most obvious way to retain some form of balance to the geography of the development opportunities that are known to be coming forward in the town centre as a whole. These sentiments have been echoed by the Council Enterprise Team, who have identified that W&G and M&S are the two large attractions ("destination stores") that draw people from afar towards the High Street.

- 14.34 Apart from the indirect spin offs for other traders from combined shopping trips, the development also brings significant sums of direct private investment into the Colchester economy. Apart from the initial development, it secures the stores longer terms interest in the town and consequently has both short term and long term employment benefits. Figures suggest that the W&G store is a significant employer within the town centre retail market. The Enterprise team have estimated that an additional 38 people would benefit from direct employment at the redeveloped store. This estimate does not include *“a significant source of (an unknown number of) seasonal retail jobs”*. Another benefit is that W&G is a store that they see as *“providing entry routes to the sectors for school-leavers, students and returners to the job market”* and it is also commented that Fenwick are noted for their commitment to staff training so that the firm may play an increasingly important role in preparing people for entry both into their store but, significantly, for employment elsewhere within the retail sector in the Borough. The Council’s Enterprise Team have suggested that they will seek to work with the Store to support its recruitment needs through engaging the partnership support of *“Colchester Works!”* to target, prepare and present jobseekers to Fenwick for store job vacancies as well as to support efforts to direct construction job contracts and opportunities to Borough firms. The Council’s Corporate Development Team have also requested that this be included in any s106 agreement and Councillors are asked to endorse this suggestion below in a similar fashion to that previously used in the agreement with Sainsbury’s at Tollgate.
- 14.35 Retuning to the Retail Study, this also highlighted that one of the key interventions that could be made in Colchester Town Centre was for the Council to try and facilitate *“Investment in and management of the traditional high street”*. This is because the high Street currently suffers from a general *“downgrading”* caused by some of the trends in High Street occupiers where a catalyst for *“upgrading”* is required. The Retail Study finds that *“Ostensibly, the main ‘threat’ to Colchester is the ongoing challenge of a depressed retail market generally. But there are more ‘intangible’ threats, the most significant being complacency and a failure to evolve. Consumers will invariably gravitate towards centres that most readily fulfil their needs. Those that fail to move with the times are likely to drift and become increasingly uncompetitive. It is essential that Colchester does not go down this path.”* Yet, unfortunately, in terms of trends, the Retail Study highlights that Colchester’s ranking has displayed a slow decline that *“does not suggest that Colchester is necessarily decaying, more that it has not benefitted from any major retail development / investment project for many years, in contrast to many other centres.”* Clearly this is an opportunity to address this failing by securing some major retail investment in the town centre. Therefore, it would seem like a positive intervention in the vitality of the town to respond to the limitations of the town’s consumer options identified in the Retail Study, especially as another pertinent finding in the Retail Study was that:
“Colchester can point to greater breadth of fascia and larger consumer choice than many of its peer group centres (a function, in part, of its high preponderance of independent and local traders). But on less positive front, this also highlights a relative lack of large-footprint, modern retailing facilities that are increasingly required by key national retailing multiples.”

- 14.36 Significantly, the Retail Study found that the High Street as a whole has much deeper issues and *“does not match up with other areas in the town, particularly the two managed shopping centres, in terms of cleanliness, environment and retailer line-up. On the last issue, the tenant mix is ostensibly less strong on the high street than in the two managed schemes – indeed, without Williams & Griffin and Marks & Spencer, the High Street would be struggling.”*
- 14.37 In summary, this proposal provides for an extra 3506 square metres of net tradable area that represents a significant investment into Colchester’s High Street. This is not only through the floorspace itself, but through the reinforcement of a magnet attraction that brings visitors to the town centre, and through the extra shopping choice that it will bring within the store. This should be welcomed by all. Similarly, W&G currently employ around 400 people in total. There are 130 full time jobs and another 270 part-time jobs. This results in a total full time equivalent of 250 full time jobs between the existing 400-strong workforce. The breakdown of the full to part-time ratio is not known from the application submission but it is stated that the total full time equivalent jobs will increase to 275 FTE and it is anticipated that around 38 additional people will gain direct employment in the new store. This increase in the employment opportunities for local residents should also be welcomed.

Highway Issues

- 14.38 Policy TA1 through TA4 indicate that changing travel behaviour towards sustainable modes will be encouraged through travel plans, improvements to gateways, and by managing travel demand. Major developments, employers and institutions should develop travel plans to promote sustainable travel behaviour. The quality of gateways will be enhanced, whilst traffic and car parking will be carefully managed, to encourage sustainable travel within Colchester. For this reason, the Corporate Development team have requested a travel Plan and relevant monitoring fee.
- 14.39 The application also contains a Transport Statement dated October 2012 by Waterman Transport & Development Limited. Para 6.3 of this Statement sets out that *“Given the scale of the retail expansion and the density of retail shopping units locally, it is anticipated that the proposed expanded store will not generate a significant number of trips in its own right. Customers of the proposed store are likely to be linked trips, those who are travelling to the High Street to visit multiple shops or pass-by trips.”* In terms of actual figures, the tables in the Statement show that it is forecasted that the addition to the retail store will generate in the region of 6 arrivals and 9 departures within the weekday peak hour period and 19 arrivals and 14 departures within the weekend peak hour period. These will not have any significant effect on the local road network and can be comfortably absorbed within the public transport network and the NCP car park based on observed capacity in the study. Similarly, the proposal will result in additional pedestrian movements. These are considered to be higher due to the High Street locality and connections with others uses in the town. Weekday peaks suggest around 80 additional pedestrian arrivals and a weekend peak of 135 arrivals.

- 14.40 With regard to construction traffic, this issue has been discussed throughout the pre-application and application process within Essex County Council Highway Authority. The majority of construction traffic will be directed via the rear servicing yard where possible to avoid disturbances to the traffic and pedestrian movements on the High Street. An agreement has been reached with W&G and NCP that all deliveries to or from the Site will need to be carried out during normal working hours via the Nunn's Road NCP car park entrance. However, a number of deliveries which will require off-loading by use of a site tower crane will have to wait on the High Street. Only during the Tower Crane Phase will any vehicle access be permitted via the High Street and this is for articulated lorries only or other vehicles which need to be unloaded by crane. In this instance deliveries will be via the loading bay and gantry on the High Street. This gantry will provide the necessary protection to the public for materials being lifted overhead.
- 14.41 ECC Highways have stated that although a construction traffic management plan is included within the application, given the ongoing Better Town Centre proposals are ongoing and subject continual change, they would appreciate a permission conditioning the need for an agreed plan to ensure that at the time development is commenced, the Plan does indeed reflect the exact latest position regarding the Better Town Centre proposals. The Highway Authority would not wish to raise an objection to the application subject to this and other conditions which have been included in the recommendation below.

Other Issues

- 14.42 Policy UR2 states that *“Archaeological assessments will be required on development sites that possess known archaeological deposits, or where it is considered that there is good reason for such remains to exist. Important archaeological sites and their settings will be preserved in situ”*. Policy ENV1 also requires consideration to archaeological importance. Subsequently, an Archaeological Assessment has been undertaken and the developers have been in dialogue with our own Archaeological expert throughout the last year or more. This is because it is proposed to extend the existing basement across the eastern half of the application site. The proposed basement slab level is 28.08m OD while natural sand is estimated to lie at 28m OD to 29m OD at the southern end of the application site. It is anticipated that archaeological survival may be greatest in this eastern half of the application site but it is not known how badly fragmented potential archaeology is as a result of the 1997 programme of piling or the construction of the medieval cellar. Subsequently, our Archaeological officer has recommended a condition to cover this element of the proposal and this has been included below and on the related conservation area consent for demolition.
- 14.43 Policy DP2 requires health impacts to be assessed. The developer has submitted a Health Impact Screening Assessment. This screening has been agreed with the North East Essex Primary Care Trust and they have stated that further work through a fuller HIA is not necessary.
- 14.44 The proposal is intended to meet BREEAM Very Good standards, which is in accord with the standard encouraged in ER1 Energy, Resources, Waste, Water and Recycling. This will need to be conditioned.

- 14.45 Similarly, in line with Policy PR2 which states that the Council will promote and secure attractive, safe and people-friendly streets with a combination of (but not exclusively) crime deterrence and safety measures, including lighting and CCTV and also public art. The Corporate Development team have requested measure to secure contributions towards CCTV upgrades and to secure the public art that has been discussed between the developer and the case officer both in the Foundry Lane and also within the entrance to numbers 147 and 149 High Street. This is in line with that policy whereby new developments will be required to contribute towards public realm improvements. For similar reasons it is suggested that details of the gates fronting the High Street be conditioned for later approval.
- 14.46 The Technical Study submitted as part of the application states that the proposal currently may still have some fire escape capacity issues that need to be explored. However, this aspect of development is covered by the Building Regulations stage that would be carried out by the Council and has been brought to the attention of the Building Control Manager in his own discussions. Therefore, it is not critical to the planning determination.

15.0 Conclusion

- 15.1 The proposal brings a significant investment into Colchester's town centre with a number of benefits to the local economy and for local residents of Colchester and beyond. This includes a significant increase in floorspace and additional employment. These are clearly important in the current climate, and are satisfactorily aligned with the Council's own priorities. However, in order to secure the investment the applicant is seeking to establish more of a presence within the High Street through a more homogenous frontage to their store. The overall design quality is a matter of subjectivity and opinion will vary. However, it is clear that it has some advantages and disadvantages, with most attention centralising around the loss of the facades of numbers 147 and 149 High Street.
- 15.2 As is often the case in planning the scheme is not perfect. The benefits of economic investment come at the cost of some harm to the historic environment. However, there are also benefits to the historic environment from certain aspects of the scheme and there are wider environmental improvements from the greater sustainability of the new construction. When the complete portfolio of planning considerations are weighed against one another your officer considers that the scheme brings greater benefits than its causes harms.
- 15.3 There is a presumption in favour of sustainable development. To be applicable herein, the development needs to demonstrate that it meets the definition in the first place. It is clear that there are economic benefits, and it is clear that there are generally social benefits, so the question is whether or not there are also environmental benefits.
- 15.4 Whilst the loss of the 1920 facades that are locally listed is regrettable, the harm of this need to be taken in context. Historic buildings are finite resources and when they are lost they do not come back. However these buildings are not designated heritage assets in themselves and behind the facades nothing remains of their internal fabric. There are finer examples of architecture from this period within the conservation area. There is also finer examples of the architects own works in the town. They do not make a contribution that is as great as a number of other buildings within the conservation area, including the listed buildings that are nearby the site. Therefore the

harm caused by the loss of these two facades is not of the greatest significance. Additionally, the replacement of the 1960s faced further west along the High Street, as well as the restoration of the central units at 150 and 151 High Street are undoubtedly improvements to the conservation area. These should not be disregarded.

- 15.5 Similarly, it is too narrow a view to restrict the environmental thread of sustainable development solely to the retention or loss of heritage. It also covers the sustainable energy initiatives of a construction. The new development will meet BREEAM “Very Good” standards when measured against the 2008 BREEAM standards and will undoubtedly be a more sustainable development in this respect.
- 15.6 The Framework suggests that “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.” On this basis, the Council entered into extensive pre-application discussions on the proposals and has worked collaboratively with the developer to gain the best development that was on offer for the town. It is considered that in doing so many issues have been resolved and the resultant scheme is of a satisfactory quality whereby its benefits would outweigh its negative when considered holistically against the principles of the planning system, the policies and guidance set out to direct people through the system, and the definition of Sustainable Development that is the “golden thread” running through planning.
- 15.7 None of the material policy considerations prohibit a judgment balancing new development with conserving the special character of the conservation area. The proposed scheme strikes a reasonable balance between respect for conservation area character and new regenerative development that promotes the economic sustainability of the town. However, the paragraph from the Core Strategy that perhaps best summarises the consideration of this application is that: “Colchester’s historic buildings and features are one of its most valuable assets. The protection and enhancement of these assets is an essential element in the development of Colchester as a prestigious regional centre. The quality of Colchester’s townscape relates to the pattern of streets, spaces and buildings and how these relate to land form. New development can help enhance these important assets, by redeveloping unattractive buildings, introducing appropriate contemporary design elements and funding improvements to the local public realm.
- 15.8 Consequently, your Officer recommends that the Members of the Planning Committee vote to approve the planning application.

16.0 Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following in line with Policy DP3 and others:

- *Mechanisms to secure an up lit 3-dimensional public art sculpture on the foundry lane wall referencing the historical use of this space*
- *Mechanisms to secure a historic photo/logo reference to former history of 149 High Street within entrance area to this part of building*
- *Agreement to a scheme to work with CBC in training local people and offering employment opportunities for local people in need of work*
- *Agreement to contribute training for small traders to utilise some of W&G knowledge/skills to help improve the town centre offer more generally*
- *A Travel Plan with £3k annual monitoring fee (for 5 years)*
- *£6k for the replacement of 1 CCTV camera and upgrading of 2 CCTV cameras that cover the W&G area.*

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following 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 DW AR-07 100, DW AR-07 101, DW AR-07 102, DW AR-07 103, DW AR-07 104, DW AR-07 109, DW AR-07 300, DW AR-07 301, DW AR-07 410 (insofar as it relates to the south elevation only), DW AR-07 411 (insofar as it relates to the west elevation only), DW AR-07 501, DW AR-07 502, DW SK-80 246 rev A, DW AR-80 246 Rev A, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Materials to be Agreed

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 - Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, prior to the commencement of development detailed drawings shall have been previously submitted to, and approved in writing by, the Local Planning Authority that illustrate a method of breaking up the blank eastern elevation flank wall of 152 High Street. The development shall thereafter be carried out solely in accordance with the agreed details.

Reason: In order to ensure that there is adequate detailing of the elevation that enhances this part of the premises to resolve a current blank wall feature that detracts from the quality of the Town Centre Conservation Area 1.

5 - Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, prior to the commencement of development detailed drawings of the gates on the Foundry Lane and High Street boundary shall have been previously submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the agreed details.

Reason: In order to ensure that there is adequate detailing to the gates that enhances this part of the High Street and avoid a feature that detracts from the quality of the Town Centre Conservation Area 1.

6 - Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, prior to the commencement of development detailed drawings at a scale of 1:20, 1:50 or 1:100 as is appropriate shall have been previously submitted to, and approved in writing by, the Local Planning Authority that illustrate the detailing and dimensions of the bronze widow finials. The bronze finials will be subject to individual designs so that a visual weight, scale and mass appropriate for each element of the new store frontage will be achieved. The development shall thereafter be carried out solely in accordance with the agreed details.

Reason: In order to ensure that the detailing of the bronze finials are appropriate to the Town Centre Conservation Area 1 and to ensure that sufficient variation to complement the character of the conservation area is achieved.

7 -Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, prior to the commencement of development detailed drawings at a scale of 1:20, 1:50 or 1:100 as is appropriate shall have been previously submitted to, and approved in writing by, the Local Planning Authority that illustrate the replacement of the existing shop fronts on numbers 150 and 151 High Street with a traditional design relating to the age and architectural character of these buildings. The scheme shall thereafter be implemented in full accordance with the agreed details prior to the first use of these units within the redeveloped scheme.

Reason: In order to ensure that the shopfront are appropriate to these retained buildings and that these buildings respond more appropriately to the Town Centre Conservation Area 1 in accordance with the Council's adopted Shopfront Guidance.

8 - Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, prior to the commencement of development detailed drawings at a scale of 1:20, 1:50 or 1:100 as is appropriate shall have been previously submitted to, and approved in writing by, the Local Planning Authority that illustrate the surface interaction and joint details between the masonry and the windows, as well as the High Street and the shop windows and any adjoining surfaces including the pavement. The development shall thereafter be carried out solely in accordance with the agreed details.

Reason: In order to ensure that the detailing of the bronze finials are appropriate to the Town Centre Conservation Area 1 and because the Local Planning Authority feels that they should be different in treatment between the eastern and western elements of the main elevation to provide a more appropriate degree of variation in relation to both the scale of the buildings behind them and also in relation to the variation within the conservation area.

9 - Non-Standard Condition/Reason

Prior to the commencement of the development, full details of all new stonework, including the bond, mortar mix and joint profile shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the approved works are carried out with adequate detailing to the architectural character and appearance of the building within the conservation area where there is insufficient information within the submitted application.

10 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme for the phasing of construction work shall 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 phasing scheme.

Reason: To limit the local impact of construction work in the interests of the amenities of the surrounding area and to ensure that the permission secures the full repair internally and externally of the retained buildings.

11 - Non-Residential BREEAM (Part 1 of 2)

Prior to the commencement of development, evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

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

12 - Non-Standard Condition/Reason

Within 3 months of the post-completion occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

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

13 - Non-Standard Condition/Reason

Notwithstanding any details shown on the submitted plans, no flags, banners or associated apparatus shall be erected on the development unless otherwise subsequently agreed, in writing, by the local Planning Authority.

Reason: The submitted plans show an unacceptable flag on the retained buildings at 150 and 151 High Street and the Council would wish to ensure that the placing of any such adverts is carefully considered against the composition of the building, the historic relevance of the placement, the conservation area and also longer distance views of the development.

14 - Non-Standard Condition/Reason

Prior to the commencement of development, including any works of demolition, a Construction Traffic and Environmental Management Plan and Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall incorporate all of the mitigation measures set out in the submitted Air Quality Assessment by Waterman Energy, Environment & Design Ltd dated October 2012 and shall be adhered to throughout the construction period. It shall also provide details 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 to be provided within the site immediately adjacent the egress onto the highway that shall be in place from first commencement until after completion;
- 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.

15 - Limits to Hours of Work

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08.00-18.00

Saturdays: 08.00-13.00

Sundays and Bank Holidays: None

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.

16 - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08.00-18.00

Saturdays: 08.00-13.00

Sundays and Bank Holidays: None

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

17 - 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.

18 - *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 (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity).

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

19 - External Light Fixtures TBA

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

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

20 - Details of Floodlighting

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

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

21 - Illuminated Signs

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

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

22 - Cycle Parking TBA

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

23 - *Schedule of Repairs / Works

Prior to the commencement of any works, a full schedule and specification of restoration for numbers 150 and 151 High Street has been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

24 - Non-Standard Condition/Reason

Within 1 calendar month of the completion and/or removal of construction equipment, the adjoining surfaces to the access to the north and to the high Street to the south which have been disturbed by the works shall be made good with materials and finishes to match their surrounding surfaces in accordance with a detailed scheme that shall have previously been submitted and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that the adjacent surfaces are not unreasonably damaged during the construction phases without repair.

25 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme of archaeological investigation including a programme of archaeological excavation, recording any finds and publishing the results shall be submitted to and approved, in writing by the Local Planning Authority. The approved scheme of investigation shall be thereafter be implemented in accordance with the details approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To enable a proper archaeological investigation of the site and the identification and recording of any items of archaeological importance.

Informatives

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.

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.*

ZTB – Informative on any application with a site notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

ZTM – Informative on Works affecting Highway Land

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631 with regard to the necessary application and requirements.

ZTE – Informative on Demolition Notices

PLEASE NOTE that it is a requirement of the Building Act 1984 that you must serve a demolition notice upon the Council prior to carrying out any demolition of buildings. Further advice may be obtained from the Building Control Team on 01206 282436.

ZTG – Informative on Section 106 Agreements

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

ZTU – Informative on Signs and /or other over-sails of the highway

PLEASE NOTE that any sign or overhang of any part of the highway maintained at public expense requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a financial charge. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

ZUI – Informative when advertising consent may be required

PLEASE NOTE: A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.

Positivity Statement

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.

Appendix A – CBC Conservation Officer Opinion

Consultation - Conservation

To:	Andrew Tyrrell
From:	Alistair Day
Location:	152 High Street, Colchester, CO1 1PN
Application No:	121902 & 121905

Date 14 November 2012

The policy for heritage assets

National policy on conserving and enhancing the historic environment is contained in the National Planning Policy Framework (the Framework). Paragraph 17 sets out the core planning principles that underpin both plan-making and decision-taking and planning should '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*'. More specifically section 12 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

In determining planning applications, the Framework advises at paragraph 131 that account should be taken of '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness*'.

At a local level Colchester Borough Council's Core Strategy (adopted 2008) policy ENV 1 – Environment states the Council will seek to conserve and enhance the natural and historic environment. Policy DP14 of the Council's Development Plan Policies document (adopted 2010) states that proposals affecting the historic environment should seek to preserve or enhance heritage assets, with an expectation that any new development will enhance the historic environment. This policy also states that existing buildings which are not afforded listed building protection but have been identified as having particular local importance or character will be protected and enhanced. Development Plan Policy DP1: Design and Amenity requires all development to be designed to a high standard and respect and enhance the character of the site.

The heritage asset test

The Framework's glossary defines heritage assets. They can include a building '*identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*'. They are not solely designated heritage assets but also can include '*assets identified by the local planning authority*'. Whilst '*identified*' is not defined, the glossary defines significance as '*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*'.

Whilst PPS5 has been replaced, its accompanying 2010 practice guide is still extant and this needs to be given weight in the assessment of this application. The 2008 English Heritage (EH) guidance on Conservation Principles, Policies and Guidance is also useful when considering significance, describing a range of '*heritage values*' that may be attached to places and arranged in 4 groups; evidential value, historical value, aesthetic value, and communal value. Value judgements involve an element of subjectivity. What may be regarded as of little or no significance to one person may be of considerable significance to another.

The applicant has provided statement on the significance of the heritage assets affected by this proposal. The applicant considers nos. 151 and 150 are of high architectural value as heritage assets. No. 151 is described as a substantially surviving C15 merchants house with the upper floors retaining the timber framed structure. No 150 has a C19 brick front to an earlier building. No. 147 is described as dating from 1927 and as being designed in a restrained commercial classical style. The building

was designed by Goodey & Cressall a well respected local practice. No. 149 is similar in scale, materials and design to No.147 and was built a couple of years later to the designs of Duncan Clarke and Beckett. The applicant is of the view that they are of low architectural value. Nos. 152-154 is a mid C20 of no architectural merit.

The buildings

Nos. 150 & 151 are to be retained as a part of the current application; nos. 152 - 154 are to be re-elevated in an attempt to reduce their visual bulk and improve their general appearance. Nos. 147 and 149 are to be replaced.

Nos. 150 & 151 and 147 & 149 are identified in the Council's Conservation Area Appraisals for the town centre as being of local interest. The buildings are also included on the Council's adopted Local List of buildings of architectural or historic interest. The Local List was prepared by the Historic Buildings Forum (which contained historians, architects, architectural historians and archaeologists) and was subject to public consultation prior to adoption. No objection was received to the inclusion of these buildings on the Local List.

Nos. 152-154 by virtue of their scale, bulk and general architectural design detract considerably from the character and appearance of the conservation area. The Conservation Area Appraisal notes that high stark flank of this building intrudes upon views from the east along the High Street. The current application seeks to break the bulk of this building down by sub-dividing the façade into three elements, which can only assist in improving the general appearance of High Street facade. The current proposal however do not however appear to take the opportunity to address the issue of the stark side flank elevation and this represents a missed opportunity.

Nos. 150 &151 are to be retained and refurbished. The Conservation Area Appraisal notes that both buildings are of character but their ground floors (which have modern replacement shop fronts) do not relate to the architecture of the upper floors. The retention of these buildings is welcomed. The opportunity should be taken to secure the replacement of the existing modern shop fronts with a traditional design that relates to their age / architectural character of these buildings. (The submitted drawings currently indicate frontages of an inappropriate design).

Nos. 147 & 149 are proposed for removal. These buildings date from the early to mid C20 and contribute positively to the architectural variety of the town centre. The applicant's heritage architect is critical of the design of these buildings referring to them as being as simple and unremarkable commercial architecture. While this may be the opinion of the applicant, the buildings have nevertheless been identified by the Council and by the community (notably in the form of the Historic Buildings Forum) to have pleasing classical detailing that is typical of their date of construction. Moreover, the buildings have a prominence in the streetscape and are illustrative of a building typology that is not found elsewhere in the town centre conservation area. While the applicant may seek to dismiss these buildings as 'unremarkable' this significantly underplays their contribution to the character and appearance to this part of the town centre conservation area. Their inclusion on the Local List, which was drawn-up independently from the Council, clearly shows that the local community place a high value on these buildings and that they consider them to be an important part of the town's architectural and social heritage. It is also important to note that the no objection was received to the inclusion of these building on the Local List.

Given the above, and in terms of the EH categories of value, nos. 147 and 149 are considered to be of local architectural or historic significance such as to merit consideration in planning decisions; the buildings therefore need to be considered in policy terms as undesignated heritage assets.

Paragraph 17 of the Framework seeks to conserve heritage assets in a manner appropriate to their significance. Nos. 147 and 149 are heritage assets of local significance and the potential to conserve them therefore attracts weight. In terms of paragraph 131 of the Framework, the loss of these buildings would run counter to the desire to sustain and enhance the significance of heritage assets.

These buildings are also located in a conservation area where legislation and national and local policy requires that development should conserve or enhance the character or appearance of the area.

Impact on the Conservation Area

The site is within a designated conservation area and there is a statutory duty to ensure that development proposals preserve or enhance the character or appearance of the conservation area. The Framework acknowledges that not all elements will necessarily contribute to significance of a conservation area. The Town Centre Conservation Area Appraisal identifies nos. 152-155 as a building that detracts significantly from the character and appearance of the conservation area. Paragraph 138 of the Framework advises that loss of a building '*which makes a positive contribution to the significance of the Conservation Area ... should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area ... as a whole*'.

The significance of the town centre conservation area is derived, amongst other things, from the historic pattern of development and the interest created by different architectural styles and the use of traditional materials. The conservation area appraisal refers positively to nos. 147, 149, 150 and 151; these buildings have added historic value by virtue of their location between two large modern buildings – i.e. nos. 152-155 and Greytown House - which detract considerably from this part of the conservation area.

The loss of nos. 147 and 149, by virtue of their location on the town's primary street and their contribution to the historic development of Colchester (the building typology is not found elsewhere in the conservation area), would have a significantly detrimental impact on the town centre's sense of place and historic character.

In order to determine whether there would be '*substantial harm*' or '*less than substantial harm*' to the significance of the Conservation Area as a designated heritage asset, and thus whether the tests in paragraph 133 or 134 apply, it is also necessary to look at what is being proposed as a replacement on the site and the contribution that would make to the heritage asset.

The proposal

The application seeks to re-elevate the frontage of nos. 152-155, to refurbish nos. 151 & 150, 'retain' the historic entrance to the foundry and the replacement of nos. 149 & 147 with a new building of a contemporary style. The remodelling of the rear elevation is also proposed.

Great importance is attached by the Government to good design as a key aspect of sustainable development. LP policy DP1 requires that all development respects and does not detract from the character and appearance of the locality. It is particularly important in a Conservation Area that the detail is considered along with the principle of redevelopment given the harm that can be caused by poorly detailed buildings.

Nos. 152-154 is a non-descript building that is wholly out of context with historic grain and design of the High Street. Ideally this building should be replaced with a building that is more appropriate to the historic character and scale of this part of High Street; re-elevating the front façade is the second best solution. The proposal to sub-divide the façade into three elements will however help to break down the bulk of the front façade of this building and thereby improve its general appearance. The proposed design of the facades (full height glazing with a stone surround and metal fins) exemplifies many of the characteristics of modern retail development rather than the fine grain of the historic environment. The current proposal fails to address the issue of the high stark side flank elevation and this represents a missed opportunity.

The current application proposes the substantial remodelling of the buildings to north (rear). The DAS states that the proposed redesign of the rear elevation will enhance the conservation area by the rationalisation of the modern additions. While there is clearly scope for the enhancement of the buildings to the rear of the site, it is difficult to see the adopted design solution relates to the conservation area. It is noted that the Urban Design Officer has commented that it “would appear that the retained element is to remain unchanged with the extension appearing as a strong visual element that is unrelated in style. Both elements are visually unsatisfactory, lacking sympathy to the location and overall remodelling and ambition for the store”. The proposed remodelling works to the rear elevation(s) can not be described as enhancing the conservation area.

Nos. 150 & 151 are to be retained and refurbished. The Conservation Area Appraisal notes that both buildings are of character but their ground floors (which have modern replacement shop fronts) do not relate to the architecture of the upper floors. The retention of these buildings is welcomed. The opportunity needs to be taken as a part of this scheme to secure new shop fronts that reflect the age and character of these buildings. (The submitted drawings currently indicate frontages of an inappropriate design).

The open yard between 149 and 150 is the historic entrance to the iron foundry that was located to the north of the High Street. The retention of a 3m recess pays lip-service to this historic route.

Nos. 147 & 149 are proposed for demolition and replacement. These buildings date from the early to mid C20 and contribute positively to the architectural variety of the town centre. The proposed replacement building is essentially a scaled down version of the re-elevated main building (nos. 152-154) and the adopted design approach is the result of the desire of the applicant to ‘stamp’ its corporate image on the High Street.

The Framework states that new development should take the opportunity to bring forward design which through scale, materials and design enhances conservation areas. The proposed new building seeks to reflect the pattern of historic building plots. The design of the proposed new buildings however has little affinity with the established architectural character of the High Street; instead it takes its references from elements of nos. 151-154 (the concrete fins) and desired re- design of this building. New development should respect the urban grain of the area; urban grain is influenced by the rhythm of architectural composition and the prevailing relationship of solid-to-void in buildings. Traditional materials are important as they make a strong contribution to local distinctiveness. The sensitive use of appropriate materials (colours, texture and pattern) is also important for new buildings to harmonise with traditional building stock; the treatment of the new buildings are considered wholly inappropriate in this respect. The adopted design solution may be considered the right solution for W&G but it pays little regard to its context and to the design and appearance of the neighbouring historic buildings (or the buildings that it seeks to replace).

Given the above, current proposal would not accord with policy DP1 (i.e. respect and enhance the character of the site, its context and surroundings in terms of its architectural approach) or DP14 (which requires the new development to preserve or enhance heritage assets). In terms of national policy it is considered that there would be substantial harm to the significance of the designated heritage asset that the application should be resisted subject to consideration of the tests in paragraph 133 of the Framework.

Whether the harm would be outweighed by the scheme’s benefits?

The Heritage Statement does not consider the test set out in paragraph 133 or 134 of the Framework; in particular has not been demonstrated that proposal is necessary to achieve ‘*substantial public benefits*’ that would outweigh the harm or loss that has been identified

It is quite feasible that the current application may have some economic benefits in so far as the scheme proposes the expansion of the existing store. It has not however been demonstrated that the store expansion is not feasible with the retention of all the locally listed buildings or with a design that better reflects the historic character of the High Street. The justification for the loss of the locally listed building and design approach for replacement building is not particularly convincing – i.e. that the store has to have a recognisable presence when viewed in either direction of the High Street.

Paragraph 133 of the Framework

In the absence of substantial public benefits to outweigh the harm being demonstrated the bullet points in paragraph 133 have to be considered. All 4 have to apply, namely:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The applicant has not demonstrated that the bullet points in paragraph 133 apply.

Conclusion on heritage issues

There is not an objection in principle to works to re-elevate nos. 152-155; it is however unfortunate that the opportunity has not been taken to mitigate the stark side elevation. The proposed remodelling to the rear of this building is not considered sympathetic the conservation area.

The retention and refurbished of nos. 151 and 150 is welcomed; the opportunity should however be taken to secure new shop fronts that are of a design that reflects the architectural character of these buildings.

National policy describes heritage assets as an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Nos. 147 and 149 are of local significance and have value as non-designated heritage asset and for their positive contribution to the Conservation Area, a designated heritage asset. The loss of these buildings and their redevelopment by way of the current scheme would harm the character and appearance of the conservation area. It has not been demonstrated that it is necessary to achieve substantial public benefits, nor has it been demonstrated that any of the bullet points in paragraph 133 of the Framework apply. As such the application in its current form would conflict with national and local policy, would not comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Area) Act and could not be considered to be sustainable development.

Appendix B – Applicant Response to CBC Conservation Officer Opinion

The policy for heritage assets

AD notes that national policy for managing the historic environment is given in NPPF.

Para 126 states;

“conserve heritage assets in a manner appropriate to their significance...”

This clearly does not mean that every structure in a conservation area must be preserved. An informed judgement must be made. Even individual Listed Buildings (none are involved in this project), are protected with the caveat that demolition or alteration can sometimes be contemplated through “compelling reason” (Planning (Listed Buildings and Conservation Areas) Act 1990). This is recognition that there are some “compelling” circumstances where even a Listed Building may be demolished. So, it is even more the case that non-designated heritage assets must be viewed with a balanced judgement bearing in mind the complete context, other heritage issues and the desirability of achieving wider benefits.

In a four point list in Para 126, local planning authorities are directed to take into account not only conservation but; “the desirability of new development making a positive contribution to local character and distinctiveness.....”

The heritage issue is centred on the conservation area as there are no listed buildings. The site for the extended department store must be viewed as a whole and to the extent that the complete proposals affect the special character of the conservation area. The issue of individual buildings and their relative merits is relevant as part of a comprehensive view of the complete scheme, including the new and reused urban fabric – hence the term “to preserve and enhance” It would clearly be unwelcome if an unlisted building of minor importance caused a desirable and economically important scheme to be refused consent. Equally, it would be unacceptable to sweep away minor buildings of character without due thought that contributes substantially to the special interest of the conservation area. Para 135 of the NPPF tells us; “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”

The NPPF defines a designated heritage asset in the document’s glossary as a scheduled ancient monument, a listed building or a conservation area. Therefore in this case, the prime importance rests with the character of the designated conservation area rather than the particularity of undesignated individual buildings. To propose otherwise would be assert that non-designated heritage asset buildings are identical to listed buildings, which they are not. None of the local authority’s policies quoted by AD preclude the necessary judgment balancing new development with conserving the special character of the conservation area. The local authority’s deliberation must also be guided by the NPPF as outlined above. The clear intention of Government policy is to guide local planning authorities to decisions where conservation and considered new development enhances and regenerates conservation areas.

The heritage asset test

AD appears to insufficiently discriminate between the role of heritage assets and designated heritage assets. There is a statutory requirement to protect designated assets (e.g. listed buildings) from unsuitable alteration or demolition without “compelling reason”. Long years of practise indicate that “compelling reason” arguments are usually made at appeal rather than application stage. Non-designated assets’ significance, on the other hand, needs to be taken into account by local planning authorities and, “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” (para135 NPPF) AD quotes guidance on PPS5, which has been repealed and is therefore no longer relevant.

The more general but expert advice offered by English Heritage in “Conservation Principles-Policies and Guidance” discusses managing change to significant places (i.e. places of heritage significance); “88. Decisions about change to significant places may be by a range of interests. They may involve balancing the heritage value(s) of what exists now against the predicted benefits and disbenefits of the proposed intervention; that is to say the public interest in the historic environment (which, if statutorily protected is subject to a policy presumption in favour of preservation), with other, inter-related, public and private interests. There is rarely a single right answer, so adequate information and adopting a consistent, rigorous process are crucial to reaching publicly-justifiable decisions.”

The buildings

The significance of Nos 150-151 was initially recognised by the applicant, a stance that had been not previously noted by either the Local Authority or its advisors. AD comments on the shop fronts of Nos 150-151. The buildings in question are not listed buildings and both have been amended by later or modern shop fronts. It is accepted conservation area practice in such circumstances that shop fronts can possibly be contextually modern in design or an appropriate reproduction. Such design would frequently be treated as a reserved matter on any major proposed planning permission. The applicant’s design team have put forward an appropriate and sensitive proposal for the shop fronts at Nos. 150 & 151. The existing shop fronts detract from the character of the buildings and the wider streetscape by ignoring the party wall division between the two distinct buildings. The shop front of No.151 intrudes into No 150 and is of a bland, disproportionate and unsympathetic modern design. The remaining section of the No.150 front has an early 20th century shop front to a 19th century façade before an earlier (perhaps) 17th century building.

The design now proposed reinstates the party wall division between the two properties in the design of shop fronts. The medieval timber framed No.151 now has the oak structure satisfactorily brought down to ground level with a simple glazing reminiscent of the typically open ground floor of medieval shops or workshops. No.150 is shown with a delicately detailed front using the classical elements associated with 19th century design. The approach for both of these much-needed visual improvements conforms to the design guidance published by the local planning authority.

In the remainder of that section of his report, AD seeks to use the national and local planning policies to create an assumption that, for example, it is impossible to propose the replacement of Nos.147-149. For reasons given above, this is a mis-reading of the policy context. There is no disagreement that Nos. 147-149 are buildings of some interest. Any building of that date in the town centre would need to be carefully considered in the conservation area context. It is therefore not surprising that the buildings were included in the local list, if disappointing that No. 150-151 were initially unrecognised. If anything other than a very partial reading of the policy context is undertaken, it is clear that a more sophisticated approach to conservation, new development and regeneration is needed. The modest claims of Nos.147-149 must be weighed against the environmental and economic benefits of the proposals. The criteria for such buildings are not the same as a designated heritage asset (i.e. a listed building).

The proposal

In the light of the full review of the policy issues and noting that the applicant’s team has been in detailed discussions with the local planning authority over a long period, one can only conclude that AD is mistaken in the view laid out in his report. It is a stance which was not raised at the planning meetings that he attended. The current proposal is carefully considered, does not do undue harm to the conservation interest and promotes regeneration within the town centre.

Whether harm would be outweighed by the scheme's benefits

AD's reference to paras 133 and 134 of NPPF is misplaced as these sections refer to designated heritage assets (e.g. listed buildings, scheduled monuments, conservation areas) The designated heritage asset in this case is the conservation area, not the undesignated Nos.147-149. As stated above, local planning authorities are advised that, "balanced judgement will be required... (Para 135 NPPF)" when considering the alteration or removal of non-designated assets. The scheme's benefits are clear although largely unacknowledged in AD's comments. This is a serious matter for concern as it betrays a lack of awareness of how issues of significance, economic viability and sustainable development are all interlinked. Our heritage appraisal refers, in its conclusion, to both the historic role Williams & Griffin have played in the life of the town and how an upgrading and enlargement of the store not only benefits the immediate area but greatly assists in the future sustainable commercial life of Colchester. Ensuring the provision of environmental improvement and future sustainability is a vital part of the management of the historic environment. Para 14 of NPPF states that a presumption in favour of sustainable development runs like "a golden thread" through the policy document;

Para.19 The government is committed to ensuring that the planning system does everything it can to encourage and not act as an impediment to sustainable growth.

Therefore significant weight should be placed on the need to support economic growth through the planning system.

Para. 23 The local planning authority should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality." The proposed scheme strikes the appropriate balance between respect for conservation area character and new regenerative development that promotes the economic sustainability of the town.

Conclusion on heritage issues

AD is mistaken that Nos. 147-149 should be treated virtually as listed buildings for it is not reflected by national planning policy. The submission and its heritage appraisal clearly indicate the economic and environmental benefits of the proposal and demonstrate the positive contribution to sustainability within the conservation area.

Martin O'Rourke MARCA

Appendix C – English Heritage Comments

Summary

Application for planning permission and conservation area consent have been submitted for the partial redevelopment of the Williams and Griffin department store in High Street, Colchester located in the central conservation area and within the settings of a number of listed buildings including the grade 1 Town Hall.

The scheme involves the demolition of two prominent local listed buildings, 147 and 149 High Street. English Heritage advises that this demolition has not been fully justified as the internal re-arrangement of the store does not require this loss, which we consider would cause harm to the character of the conservation area.

Furthermore the proposed replacement facades are still, we feel, despite considerable discussion, not in context with their sensitive surroundings. We also have concerns as the detailing and form of the rest of the enlarged store and suggest that further assessment of the impacts of the scheme on the historic townscape of Colchester is required.

English Heritage has been consulted at the pre-application stage on the proposals to re-configure the Williams and Griffin department store in the High Street, which includes 147 and 149 High Street, which are now proposed to be demolished.

the site as a whole has strong visual role in the High Street and this part of the central conservation area. It is located between the Grade I listed Town Hall and grade II* listed former Corn Exchange and forms part of the settings of these important listed buildings as well as various other designated and non designated assets.

Furthermore, the location, in the hear of the original hill-top Roman city means that the Williams and Griffin store is one of a number of buildings that feature in longer views from the north that, albeit disrupted in part by modern buildings such as the former BT exchange are significant as contributing to the setting of the entire historic core.

147 and 149 High Street are locally listed and are considered to be non-designated heritage assets that make a positive contribution to the conservation area. Both were erected in the late 1920 after a fire destroyed their predecessors and were designed by local architects of note for specific clients. They can be said to have some historic, evidential and aesthetic values, and in the case of 147, which hosed a locally well regarded reason, communal value as well. Their style has been described as 'restrained commercial classical' although there are clearly references to the Art Deco style that was burgeoning at the time they were erected, especially in terms of the proportions of 149. The interiors and shopfronts have been remodelled.

Similarly 151 and 150 High Street, also on the site frontage, but proposed for retention, are also non-designated assets. No. 151 is of particular interest due to the survival of much of its timber frame, which is dated as probably 15th century.

The rest of the store complex makes a neutral, or adverse contribution. It is dominated by the 1960s four-storey west building but within the layout there is evidence of the evolution of this side of the High Street with, notably the set back passage way entrance between 149 and 150 which once led to the 19th century Foundry Yard.

The east, west and north elevations of the existing store read as a collection of modern structures, mainly in uninspired materials with un-coordinated elevational details under flat or wide span roofs.

The High Street frontage

During initial discussions in August 2011, English Heritage advised “The design strategy should consider options that retain these frontage structures and integrate them into the re-vamped store. There are usually uses within the larger envelope that can take advantage of the smaller scale elements.”

As the design developed we were subsequently informed in discussions that it was crucial to create a level floor plat at first floor throughout the redeveloped store in order to make it attractive and convenient to all customers. This requirement would have precluded the retention of the frontages of 147 and 149 High Street.

It is acknowledged in the submitted Heritage Statement that these frontages are “of an appropriate scale and at least retain some moulded classical decoration to the first floor elevation”. English Heritage considers these attributes, together with their historic plot widths suggest that even if the frontages were to be replaced there are some strict parameters that should inform the new designs.

Furthermore, as part of the continuous streetfront stretching from North Hill to the Town Hall there is, apart from on the Williams and Griffin west building a noticeable consistency in the external expression of horizontal floor plates, vertical bays and of voids contained with an overall solid façade. This produces a degree of compartmentalisation that has a rhythm and unity that permits a considerable variation in the application of detail to each property. It suggests that there is scope for a new design, if demolition were justified, that has individuality within this wider template.

English Heritage has in the past concurred with the view of the applicant’s conservation advisor that “they are not considered of such significance that they unreservedly merit retention”. This was at a time when it was maintained that, due to their layout and floor plates inconsistent with the rest of the revamped store, retention of these two elements jeopardised the comprehensive improvement of the store. It then appeared there might be some public benefit that would outweigh the substantial harm caused by the loss of these two heritage assets and that the requirements of paragraph 133 of the National Planning Policy Framework had been satisfied.

However, in May 2012 it became apparent that the floor levels in these two buildings need not be changed and the primary justification for demolition had therefore been removed. Although we have since advised that these “wider benefits” now appear to be attainable with the retention of nos. 149 and 147 together with their frontages, their demolition is still proposed.

English Heritage welcomes the retention of No. 150-151 High Street within the new scheme together with the adaptation of the former entrance to Foundry Yard. However we feel that the facades replacing 147-149 and the apparently featureless and rather inimical treatment of the Foundry Yard gap would not sit well with the well-articulated, historic details and materials of 150-151, which would appear as lost and rather inconsequential.

Similarly, in the wider High Street frontage we consider the 147-149 replacements to be of too little individual quality to make a contribution that would preserve or enhance the conservation area. They mimic the larger re-frontage west building and despite a considerable amount of discussion as to how they might be enlivened or articulated they appear simplistic in form, lacking in detail and at odds with the wider character of this part of High Street which we refer to above.

English Heritage is mindful that Williams and Griffin wish to emphasise their extensive presence in the High Street. We suggest that this could be done with a degree of consistency that allows for more variety and visual stimulation, reflecting former bay divisions and incorporating some retained buildings in a wider sequence of facades. The submitted design and access statement refers to precedence studies of schemes elsewhere, including Oxford and Brentwood (which English Heritage advised on) where we feel the context has been given greater significance.

The overall scheme

As we have indicated above, we consider the impacts of the proposals on other views other than from High Street, such as St Peters Churchyard, the car park to the rear of the Town Hall as well glimpses from the Dutch Quarter and other points to the north require careful evaluation. We accept that it is difficult to assimilate a building as large as a department store into most historic cores, especially one of a hill, like Colchester,. However, these are large blocks with regular outlines and we see no evidence of any positive attempts to make them into more positive townscape elements.

Precedents such as the Arc Shopping Centre in Bury St Edmunds by the Hopkins Partnership could inform in terms of variegated roof forms and silhouettes.

Conclusion

English Heritage has welcomed the opportunity to discuss this proposal at pre-application stage. However, we consider that the proposal, which in principle appears to hold many advantages for ensuring the viability of the centre of Colchester, has not yet fully addressed the significant impacts that it would have on the historic environment.

We do not feel that the demolition of 147-149 High Street has been fully justified, nor do we agree that the proposed replacement frontages, together with the treatment of the setback space between nos. 149 and 150 are sympathetic to their context. With regard to the whole store as a large element in a heritage setting, English Heritage considers that further assessment is required on impacts and options for forms and detailing that would mitigate the size of the building.

Recommendation

We therefore urge your Council to fully consider the scheme especially with reference to paragraph 133 of the National Planning Policy Framework, in the light of the potential substantial harm that could be caused to the designated and undesignated assets, including the conservation area.

In the light of the assessment above, English Heritage recommends that your Council refuse planning permission for this scheme. The harm that the proposed development would do to the significance of the conservation area is not necessary to achieve the public benefit that would accrue from the redevelopment of Williams and Griffin. To approve the development would therefore run counter to the presumption in favour of sustainable development that is fundamental to the National Planning Policy Framework, and would run counter to paragraphs 132 and 134 in particular.”



Colchester Civic Society

37 Valley Road
Wivenhoe
CO7 9LZ

19 November 2012

Dear Sir

Planning application no. 121902 – Williams & Griffin, High Street

This proposal is for the redevelopment of retail space which should enhance the town centre as a shopping attraction. The Society welcomes the fact that the applicants are prepared to invest significant sums to this end.

The site is situated within a Conservation Area and therefore any development should either protect or enhance the built and natural environment. The proposed changes at Williams and Griffin should be sympathetically incorporated into the historic core of the town centre.

The building on the east side of the development (Menswear Building) will now increase in height to be in-line with the KG Radcliffe building roof line. Based on the plans in the Design and Access Statement as well as the artistic impression of the proposal, the historical character of this building could be compromised as it would be overshadowed on both sides.

The frontage of the buildings does not relate to the style or design of the surrounding buildings and although a possible improvement on the 'main' Williams and Griffin building, the new Menswear frontage does remove an element of Art Deco/Commercial Classical character in place of a plain glass exterior. The existing windows of this element currently match those of adjacent buildings and relate to the historical character of the High Street.

Based on policy DP1 development should respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, material, townscape or landscape setting and detailed design features.

The scale and size of the proposed development would assist the LPA reach its targets of increasing retail floorspace within the town centre. However the proposed development could have an adverse affect on the character of the listed buildings located in adjacent sites (The Albert Hall, Number 11A and 11B, Number 14 and 156 High Street) due to the scale proposed.

The current 'main' building of Williams and Griffin does not enhance the appearance of the High Street or the historic core of the town. In line with CBC policy, the development would "remove unsightly features as part of the overall development proposal". Any improvements would be beneficial as long as they adhere to Conservation Area policies.

Light pollution at night could now be an issue due to the large glass frontage. This would need to be addressed in order to reduce pollution and energy usage as well as not impacting on the appearance of the High Street at night.

Yours faithfully

Austin Baines

Convenor, Planning sub-group, Colchester Civic Society

Appendix E – Building Preservation Trust Comments

121902 Remodelling Williams and Griffin's store, High Street, Colchester

I write on behalf of Trustees in response to this application to undertake works affecting heritage assets in the High Street. A number of trustees and myself met with Hugo Fenwick and Aukett Fitzroy Robinson yesterday at their request and as a consequence, this letter is our opinion of the project based upon the prior review of the application and this informative discussion.

The Objects of the Colchester and NE Essex Building Preservation Trust are essentially to either directly or indirectly conserve the heritage of the locality. This operational context allows us to promote and encourage good conservation practice including advising others on the proper interpretation of conservation policy and its implementation. We do so on the basis that our environmental inheritance is a finite resource that needs to be properly managed and the heritage assets of the future may not yet have been built. It is a state of managed evolution.

The scheme

With a proposed floor area that will be 50% larger than the existing store, this is a significant scheme. More so because it is atypically, not out-of-town but in the heart of the town centre. In this respect, the Trust warmly supports the proposal as a welcome expression of confidence in the future of the town centre. The ramifications for the preservation of the town centre generally should not be underestimated. Enhancing footfall and the retail offer will, arguably, help retain the continued investment from others that is so vital to good conservation. Clearly, the vast majority of investment in the environment and in the preservation of heritage assets comes from the private sector and the Trust recognises the encouragement this development would have upon others.

The project will have an impact upon several Designated and undesignated Heritage Assets:

- **The Town Centre Conservation Area** – in regard to the special character and appearance of the CA
- **147 High Street**: local list – in regard to the total demolition of this heritage asset
- **149 High Street**: local list – in regard to the total demolition of this heritage asset
- **150 High Street**: local list – in regard to the alteration of the heritage asset and in regard to its setting
- **151 High Street**: local list – in regard to the alteration of the heritage asset and in regard to its setting
- **St George's Hall**: Grade II – in regard to the setting of listed building
- **Essex and Suffolk Fire Office: Grade II*** – in regard to the setting of listed building
- **Town Hall: Grade I** – in regard to the setting of listed building It would also be legitimate to consider the impact of the scheme upon the character and appearance of a wider area in view of the scale of the proposed change to the environment.

Our representations

In our opinion, the primary conservation issues are:

1. the impact of the scheme upon the special character and appearance of the conservation area and the desirability for preservation and enhancement and,
2. the demolition of No's 147 and 149 High Street Impact upon the Conservation Area

The CA was one of the first to be designated in the Country (1968) and covers the whole of the walled town and immediate hinterland. As a relic of a Roman past, its national importance is unquestionable. However, *Nikolaus Pevsner* wrote in the seminal work, *Buildings of England* (1954), '*The spine of the town is the High Street. In a town the size of Colchester it can hardly be perfect; there is too much intrusion of C19 and C20 mixed purposes: genteel recent banks, Messrs Burton's with their own style, gabled Gothic of 1879, and so on. The skyline on both sides is jagged and untidy*'. Despite the passage of 50 years since this was written the description is still relevant.

However, today we are perhaps more indulgent in accepting the value of Victorian and later buildings and the contribution they make to the evolving history of England. Individually, some may not be great architecture but within recognisable tolerances, they are part of the panorama that is the 21st century town. However, these later buildings lack the legitimacy of time to make them inevitably acceptable within an historic setting. They must instead, ensure that their design and appearance either disguises their age or presence or that they exert a confidence in their execution that creates an additional signature in the street. Getting this right is a serious design challenge.

We are of the opinion that, subject to a high attention to detailing and use of appropriate, high quality materials, the new façade to the High Street is likely to add to the special character of the conservation area. We think it essential that the scheme 'lift' itself above the common detailing of a contemporary shop front and pays special attention to the many small-scale details such as the junction of glass to masonry and glass to pavement, the door furniture and threshold, the weathering details of the masonry, architectural 'frames' and the areas of external fabric that are less noticeable but still visible from public vantage points. We have no reason to think that this will be other than a well detailed building because, in the best tradition of development within the High Street, it is being commissioned by the occupant. Notwithstanding the above, the Trust would like to see the opportunity taken to replace the existing shopfronts and signs on the retained buildings, No.s 150 and 151 High Street with types that are in accordance with the adopted, SPD for shopfronts and signs. You will be aware that this policy document was written by the Trust on behalf of CBC.

Demolition of No.s 147 and 149 High Street

These buildings are identified in the (unadopted) Conservation Area Appraisal for the town centre as being of local interest. They are also included on the Council's adopted Local List of buildings of architectural or historic interest.

Dating around 1920 they do nevertheless contribute positively to the architectural variety and character of the town centre. The execution of their facades (including the return elevation along Foundry Passage) is very representative of a style common at the time with restrained flourishes of dentilation, rusticated quoins and escutcheons. However, it is accepted that little if any historic fabric exists behind these facades.

Of course, demolition within a CA is always possible provided it can be fully justified. The Heritage Statement that accompanies the application attempts to do this but tends to write-off the value of the buildings by undermining the legitimacy of their inclusion on the Local List. We believe that greater recognition should be given by the applicant to their rarity, their aesthetic value and their group value. We have no doubt that these facades should preferably be retained in the scheme and we regret that the applicant does not consider it possible.

Conclusion

The Colchester and NE Essex welcomes the proposal as ambitious and confidence-inspiring. We hope that its execution will be undertaken with an eye for the detail that will be essential to help make this a worthy addition to the Town Centre Conservation Area. However, we regret the loss of No's 147 and 149 High Street.

Appendix F - Early Member Engagement Protocol Meeting Minutes

Meeting date: 28 May 2012

Venue: Town Hall

Attendee List:

For Applicant: H.Fenwick (HF), A.Murdoch (AM) and N.de Klerk (NdK)

For CBC: Councillors Turrell (AT), Hayes (JH), Frame (WF), T.Higgins (TH) as well as I.Vipond (IV), H.Davies (HD), L.Smith-Evans (LSE) and A.Tyrrell (ADT)

ADT gave introductions and explained the purpose of the meeting in line with the Member Engagement Protocol.

The Applicants gave a collective presentation. It was stated that greater accessibility and a continuous frontage were two key desires for Fenwick Ltd. They wanted to help regenerate the High Street with a flagship store to be completed by the end of 2015. For this development project they were using the same team as worked on their Bond Street store.

A key issue was heritage and conservation and they had drawn on their experiences in Canterbury which has many parallels with Colchester. They had already undertaken heritage analysis and were working with Colchester Archaeological Trust and had already undertaken trial pits.

Apart from retaining and restoring the Kurt Geiger store and the Radcliffe's store, their frontage would be modern but based on burgage plot history. Retaining the Foundry access point and also the pedestrian arcade to NCP. The later was to be "internalised".

A clarification question was asked by members what the current hours of access through here were and the answer given was from 06:45 to 18:45hrs.

It was mentioned that Locally Listed buildings were to be demolished. The replacement elevation was shown and the bronze finials were presented.

AT highlighted that the demolition of a Locally Listed building may cause public concern and asked for clarification on any processes that were set out for this element. This was followed by further presentation in response to this specific aspect.

JH asked for more information on how the applicants had decided upon the bronze finials as a response to the Georgian character of the area.

AM explained the chosen architectural approach and why a contemporary response was felt to be appropriate.

JH enquired if there was any scope for any tree planting within the High Street.

LSE and ADT explained that this had already been explored and there were some underground infrastructure and highway obstacles that could not be physically overcome in the High Street.

TH highlighted that the public held matters like the floral displays and Christmas window displays dear to their hearts and asked that HF consider this in any future plans. HF explained that keeping these sorts of localisms were part of the Fenwick ethos.

WF asked for more information to be given on the economic benefits, including any figures for additional employees and use of local tradesmen.

HF explained that more staff would be needed, and that they were exploring use of local labour including mechanical and electrical work subject to tender.

A question was asked as to the rights of way through the pedestrian link to the NCP. It was confirmed that this dates back to an agreement continuing since 1966.

It was highlighted that Foundry Yard would become less active and could lead to opportunity for crime and anti-social behaviour.

NdK explained that gates would be retained, possibly in a decorative form.

TH pointed out that the store is on a tourist route and any opportunity to explain more about the Victorian buildings behind the site would be useful

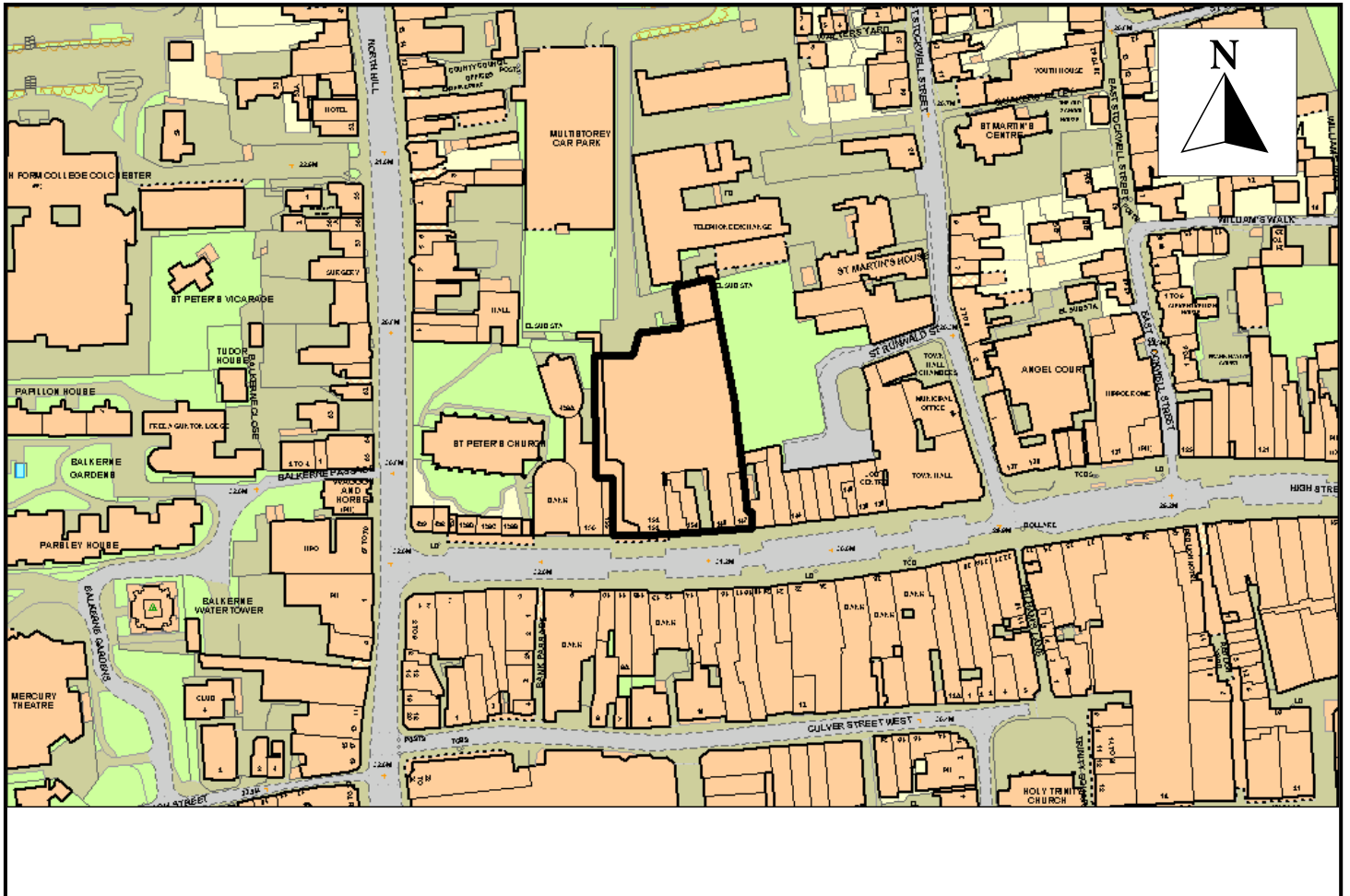
JH asked what renewables would be used?

AM highlighted BREEAM very good requirements, discussed solar shading and the glass used, explained about energy efficiencies.

JH asked where materials would be sourced from and how sustainable this would be? The Applicants took this point on board as something to consider in seeking sources of materials, highlighting that they would recycle as much material as possible.

JH asked of more historical information could be made publicly available in the public consultation exhibition.

ADT Thanked everyone and concluded the meeting.



Application No: 121905

Location: Williams & Griffin Ltd, 152 High Street, Colchester, CO1 1PN

Scale (approx): 1:1250

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7.4 Case Officer: Andrew Tyrrell

MAJOR

Site: 152 High Street, Colchester, CO1 1PN

Application No: 121905

Date Received: 22 October 2012

Agent: Aukett Fitzroy Robinson

Applicant: Williams & Griffin Ltd

Development: Demolition of Part of Williams and Griffin Store.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to the approval of 121902

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major planning application and there are unresolved objections relating to the loss of the facades of 147 and 149 High Street in order to accommodate the redevelopment. These objections are from English Heritage and the Council's own Conservation Officer.

2.0 Synopsis

2.1 This report follows on from the report to application 121902 where the whole planning debate is set out. However this application relates only to the demolition aspects of the development. It therefore follows that in the event that 121902 were to be approved then this should also have been considered to be acceptable. If the redevelopment of the store is not approved then it would not be acceptable to grant a Conservation Area Consent as this would leave a hole in the High Street without redevelopment.

2.2 As it follows that the decision to allow or refuse the demolition works is intrinsically linked to the decision to approve or refuse the redevelopment of this site the report of 121902 covers both issues in detail under one cover. As with 121902, the crux of the matter revolves around a central debate on the retention or redevelopment of the two facades at 147 and 149 High Street, the current menswear section of W&G. These facades are locally listed, although not in themselves designated heritage assets, however a pure conservation perspective would point towards their retention. More broadly, it is argued herein that their significance is not of such great value within the wider planning considerations of the application as to justify a refusal. On balance, the benefits of this redevelopment are considered to outweigh the negative aspects and therefore, taking account of all material planning considerations, it is recommended that the application should be approved.

3.0 Site Description and Context

3.1 Please refer to the same section of the report for application 121902

4.0 Description of the Proposal

4.1 The application seeks to gain approval for the demolition aspects necessary to accommodate the redevelopment of the W&G store as proposed and discussed in 121902. Primarily in terms of size, the large part of the demolition proposal is the north-east section of the site, which is a non-descript building. However, interest centres around the more publicly visible High Street frontages and the proposal of removing the facades of numbers 147, 149 and 152-155 High Street. This demolition would be phased so that the store continues to trade throughout construction. For full details of the proposed changes Members of the Committee are directed to the website, and will be shown plans during the Committee Meeting presentation.

5.0 Land Use Allocation

5.1 The site lies within Colchester Town Centre Conservation Area 1 and is part of the primary retail use area of the town centre. The proposal will result in the demolition of the locally listed 147 and 149 High Street facades.

6.0 Relevant Planning History

6.1 Please refer to the same section of the report for application 121902

7.0 Principal Policies

7.1 Please refer to the same section of the report for application 121902

8.0 Consultations

8.1 Please refer to the same section of the report for application 121902, however the key consultation responses are set out in the Appendices to the report on 121902 in full.

9.0 Parish Council Response and Pre-Application Member Engagement

9.1 Please refer to the same section of the report for application 121902

10.0 Representations

10.1 Please refer to the same section of the report for application 121902

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 Please refer to the same section of the report for application 121902

14.0 Report

14.1 The main planning arguments for and against the redevelopment of the site are covered more fully in the preceding report for application 121902. It is strongly advised that this be read prior to reading this report. The decision taken herein should follow on from the decision taken on 121902 as the demolition is only required to facilitate the new development.

14.2 However, in summarized form, the demolition and redevelopment of significant parts of this site is welcomed by all and the merits of this economic investment are clear. The main, and probably sole issue of note, is the concern over the impact of the 1920s facades on the front of 147 and 149 High Street. It is noted in the report for 121902 that these underwent significant refurbishments in the 1990s and there is little original building beyond the outer façade onto the High Street. It is now proposed that this façade will also be demolished. At an earlier stage in the discussions it was intended to demolish the whole of these buildings, at which point English Heritage and the CBC Conservation Officer had accepted that they would not be objecting to the demolition of the buildings if it was necessary to achieve a flat floorplate throughout the whole site. Later, the costs of these works resulted in a “U-turn” whereby the internal section of the buildings was to be retained yet the facades were still to be demolished. At this point, both English Heritage and the CBC Conservation Officer then raised objection to the loss of the facades. The reason being that they felt that it was only necessary to demolish the facades if it were absolutely essential to the development, which it would have been had they been unable to work around the existing levels changes internally. However, as soon as the applicants decided to retain parts of the internal floors where there were steps and levels changes then it no longer seemed critical to the development to replace the facades as well.

14.3 Whilst the loss of the 1920 facades that are locally listed is regrettable, the harm of this need to be taken in context. Historic buildings are finite resources and when they are lost they do not come back. However these buildings are not designated heritage assets in themselves and behind the facades nothing remains of their internal fabric. There are finer examples of architecture from this period within the conservation area. There are also finer examples of the architects own works in the town. They do not make a contribution that is as great as a number of other buildings within the conservation area, including the listed buildings that are nearby the site. Therefore the harm caused by the loss of these two facades is not of the greatest significance. Additionally, the replacement of the 1960s facades further west along the High Street, as well as the restoration of the central units at 150 and 151 High Street are undoubtedly improvements to the conservation area. These should not be disregarded.

14.4 For ease of debate around the wider scheme this argument has been set out and considered in full in the earlier report under one cover. Therefore, there seems little worth in repeating the stance set out in the report to 121902 herein in any more detail than has been provided in both reports.

14.5 Instead, both decisions should be taken together based on whether or not the Committee feel that the demolition of these facades is acceptable in the wider interests of the town and the conservation area.

15.0 Conclusion

15.1 The redevelopment proposal brings a significant investment into Colchester's town centre with a number of benefits to the local economy and for local residents of Colchester and beyond. The benefits of economic investment come at the cost of some harm to the historic environment in that buildings will be lost. However, there are also benefits to the historic environment from certain aspects of the scheme and there are wider environmental improvements from the greater sustainability of the new construction. On balance, your officer considers that the scheme brings greater benefits than it causes harms. Therefore it is recommended that the demolition of the buildings be allowed to facilitate the development recommended for approval in 121902. Condition would be necessary to ensure that this only occurs once the development programme to infill any gaps created is secured, however this is a formality as the developer is not likely to leave a gap in the High Street at their site for very obvious reasons.

16.0 Recommendation

APPROVE subject to the approval of application 121902 and subject to the following conditions:

Conditions

1 - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 DW AR-07 -210, DW AR-07 -211, DW AR-07 -212, DW AR-07 -219, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - *Contract for Redevelopment before Demolition

No part of the building shall be altered by way of demolition until:

- (i) a binding contract for the full implementation of the scheme of redevelopment granted planning permission under reference number 121902 has been entered into; and
- (ii) all necessary permissions and consents have been obtained; and
- (iii) evidence thereof shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that the demolition is necessary as the works would not be acceptable on their own, without a replacement scheme.

4 - Demolition Programme TBA

No demolition whatsoever shall take place until such time as a programme has been submitted to and approved, in writing, by the Local Planning Authority stipulating the extent and timing of such operations. Any demolition shall thereafter take place solely in accordance with the approved details.

Reason: In the interests of the appearance of the locality and to avoid unnecessary disturbance to amenities.

5 - 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: None

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.

6 - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 09.00-18.00

Saturdays: 08.00-13.00

Sundays and Bank Holidays: None

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.

7 -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.

8 - Non-Standard Condition/Reason

Prior to the commencement of any works, a programme of building recording and analysis in relation to the facades of 147 and 149 High Street shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for inspection and recording of matters of local historical importance associated with the site, which will be lost in the course of works.

9 - *Schedule of Repairs / Works

Prior to the commencement of any works, a full schedule and specification of restoration for numbers 150 and 151 High Street has been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

10 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme of archaeological investigation including a programme of archaeological excavation, recording any finds and publishing the results has been submitted to and approved, in writing, by the Local Planning Authority. The approved scheme of investigation shall be thereafter implemented in accordance with the details approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To enable a proper archaeological investigation of the site and the identification and recording of any items of archaeological importance.

Informatives

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.

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.

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

ZTB – Informative on any application with a site notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

ZTE – Informative on Demolition Notices

PLEASE NOTE that it is a requirement of the Building Act 1984 that ****you must serve a demolition notice upon the Council prior to carrying out any demolition of buildings****. Further advice may be obtained from the Building Control Team on 01206 282436.

ZTM – Informative on Works affecting Highway Land

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631 with regard to the necessary application and requirements.

ZTR – Informative on Construction Traffic Routes

PLEASE NOTE that prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Given the location of the site, a haul route for the delivery of large-scale plant and materials may also be required. Should this prove to be necessary, any route or routes should be agreed in advance with the LPA in consultation with the Highway Authority.

ZUI – Informative when advertisement consent by be required

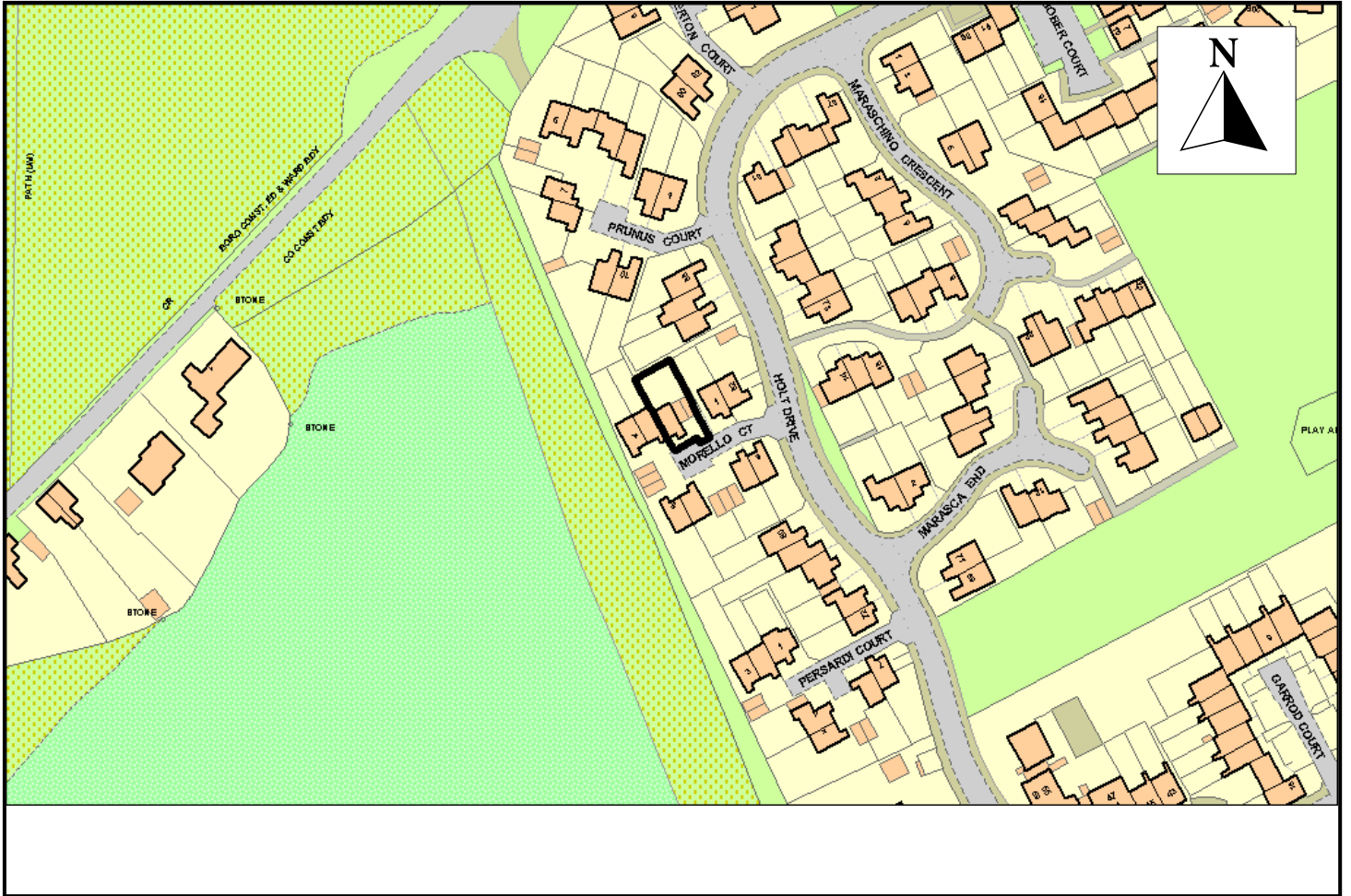
PLEASE NOTE: A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.

ZUJ – Informative on Archaeology

PLEASE NOTE: For advice on the archaeological impact of your proposals please contact the Heritage Conservation Group, Waste Recycling and Environment, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 492211.

Positivity Statement

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: 121895

Location: 2 Morello Court, Colchester, CO2 0DH

Scale (approx): 1:1250

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Case Officer: Carl Allen **Due Date:** 20/12/2012

Site: 2 Morello Court, Colchester, CO2 0DH

Application No: 121895

Date Received: 25 October 2012

Applicant: Ms M Watson

Development: Erection of single storey conservatory to rear of property

Ward: East Donyland

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 the applicant is a member of staff.

2.0 Synopsis

2.1 The proposal for a rear conservatory is considered acceptable, with no detrimental amenity impacts to neighbours. The design is considered acceptable and complies with Policy. Approval is recommended.

3.0 Site Description and Context

3.1 2 Morello Court is an end of terrace dwelling that is situated in a small cul-de-sac. To the west is the attached neighbour of no.3 whilst to the east are two detached garages – both of which serve no.2. The rear garden is to the north and has wooden panel fencing to all boundaries.

4.0 Description of the Proposal

4.1 A conservatory to the rear of the dwelling, approximately 4m long, 3.3m wide and 3.1m high. Materials would be a brick plinth with a white UPVC conservatory frame.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 None.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

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

N/A

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

Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 N/A

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 No comments have been received.

11.0 Parking Provision

11.1 No change.

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

15.1 The proposed design would be subservient to the main dwelling and would read as an obvious addition. As such it would not detract from the existing dwelling. Materials wise the brick plinth would match the existing bricks of the dwelling as would the white UPVC frame to the existing windows. As such the proposal is considered to be acceptable and complies with the Council’s design Policies UR2 and DP1.

15.2 Regarding amenity, the elevation nearest the neighbour at no. 3 would have a brick wall with high level obscure glazing. Given the boundary treatments the conservatory would not have any addition opportunities to overlook into private rear gardens where there is an expectation of privacy. The orientation and height of the proposal to the neighbour would ensure that there would be no overshadowing to the neighbour. With these considerations the proposal is considered not to result in any amenity issues and fully accords with Policy DP1.

16.0 Conclusion

16.1 The proposal is considered acceptable in both design and amenity terms.

Recommendation – Conditional Approval

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 Location Plan, Elevations & Block Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

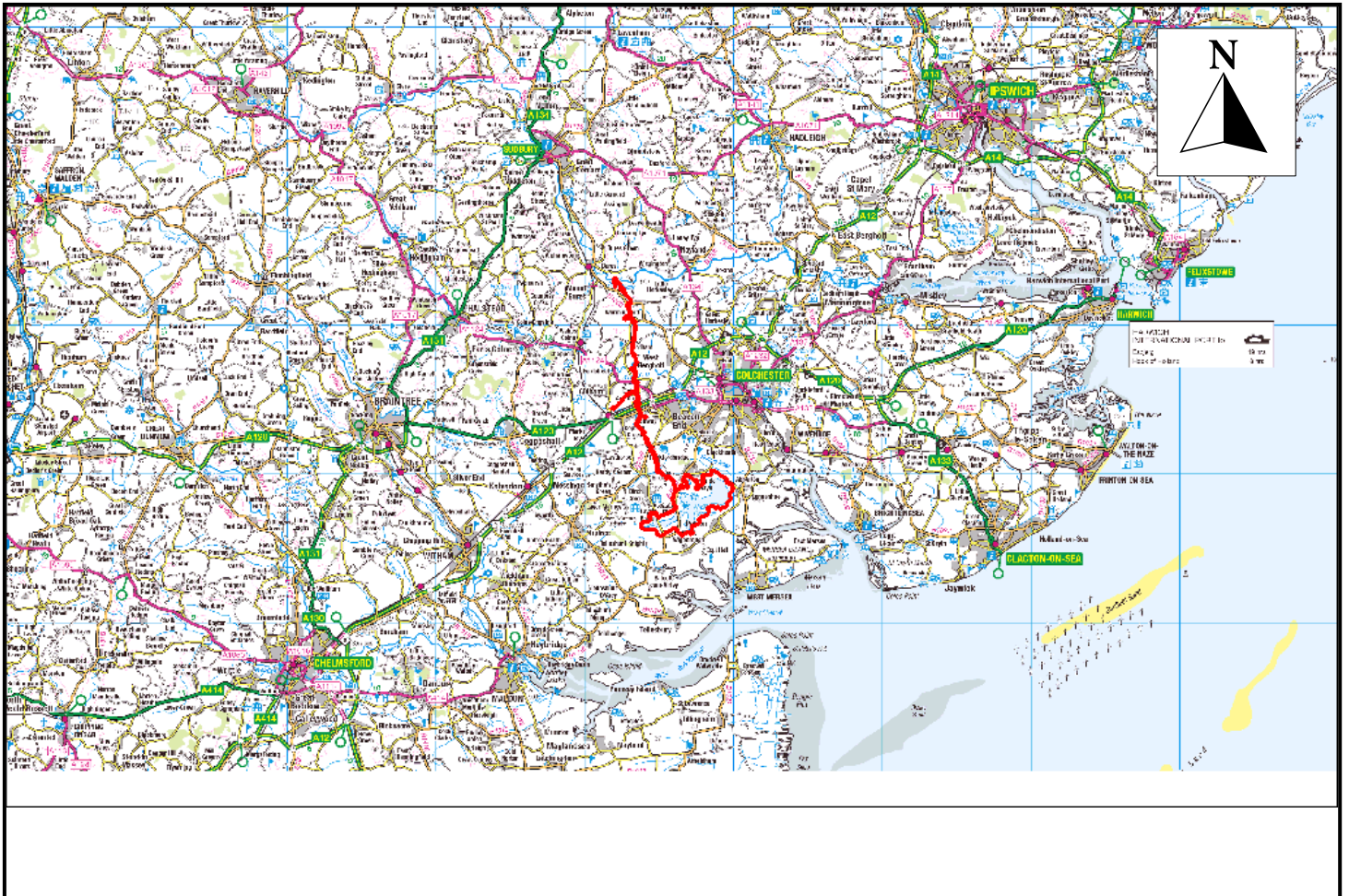
3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

Positivity Statement

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: 080194

Location: Land from Wormingford to Abberton including Abberton Reservoir, Abberton Reservoir Scheme, Peldon Road, Abberton, Colchester

Scale (approx): 1:1250

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Planning Committee

Item
8

13 December 2012

Report of	Head of Environmental & Protective Services	Author	Sue Jackson ☎ 01206 282450
Title	Construction of new Wormingford Pumping Station(WPS). New pipeline from WPS to Abberton Reservoir. Expansion of Abberton Reservoir works to B1026 - Land from Wormingford to Abberton including Abberton Reservoir, Peldon Road, Abberton – Application No. 080194		

1.0 Decision Required

- 1.1 Members are required to agree an appeal procedure relating to grants decided by the Abberton Community Fund Panel (ACFP) whereby any appeals are considered by the chairman of the planning committee, the group spokespersons and the chairman of the ACFP.

2.0 Reasons for Decision

- 2.1 The community fund set up under the section 106 agreement to the Abberton Reservoir expansion has now been operating for three years. The issue of a procedure for an appeal against the decision of the ACFP has now arisen.

3.0 Alternative Option

- 3.1 Alternatives are:
- no appeal procedure or
 - an alternative procedure possibly involving the whole planning committee

4.0 Supporting Information

- 4.1 Members will be aware that in 2009 planning permission was granted for the expansion of Abberton Reservoir. The application includes a section 106 agreement which involves the setting up of an “Abberton Liaison Group”. One of the purposes and functions of this group is to operate and administer the Community Fund. The community fund comprises a financial contribution of £750,000 (£75,00 paid annually for 10 years) by the applicant Northumbria Water Ltd (NWL) to the Council.
- 4.2 “The community fund exists to provide for the mitigation of effects arising from construction activities associated with Abberton Reservoir Raising that cannot be mitigated under the planning conditions imposed on the Planning Permission and / or the Planning Obligations set out in the Agreement and/or which are to that extent unforeseen at the time of determination of the Application and the grant of the Planning Permission”.
- 4.3 As required under the section 106 agreement a sub group of the Abberton Liaison Group the Abberton Community Fund Panel (ACFP) has been formed to consider applications for grants.

4.4 The ACFP has been operating well, in 2011 grants totalling almost 38,000 were paid and so far in 2012 grants totalling £94,000 have been paid. However earlier this year the ACFP declined a grant application. The issue of an appeal was then raised and it was confirmed the section 106 agreement does not include an appeal procedure.

5.0 Consultations

5.1 Consultation has taken place with the NWL and their legal advisors, the members of the ACFP and the Council's Monitoring Officer regarding an appropriate appeal mechanism. The following has been agreed by the various parties:-

“Review of decisions of ACFPI

Where an applicant is aggrieved by a decision made by the Abberton Community Fund Panel in respect of their application then they may within two months after that decision is made refer that decision for review by a review committee (the “Review Committee”) comprising:

- (a) the Chairman of the Borough Council's Planning Committee;
- (b) the nominated spokesperson within the Borough Council's planning committee for each of the political groups comprised in the Borough Council (who shall exercise one vote each); and
- (c) the Chairman of the ACFP.

An application for review of a decision shall be made in writing to the Chairman of the Borough Council's Planning Committee and shall set out the applicant's reasons as to why they think the application for a grant should have been granted or granted in full rather than in part.

The Borough Council shall prepare a short report assessing the merits of the proposal, and shall submit the report to the Review Committee together with the appeal document and the minutes of the meeting where the application was discussed.

The Review Committee will convene in advance of the next meeting of the Abberton Liaison Group to consider the appeal on the basis of the written material, and the decision of the ACFP as reported by the Chairman.

The Review Committee shall vote on whether or not to approve the appeal exercising one vote per member of the Review Committee, and the Chairman of the ACFP exercising his vote in accordance with the determination of the Abberton Community Fund Panel.

The determination of the Review Committee in respect of the appeal shall be made by simple majority and in the absence of a simple majority the decision of the ACFP shall be final.”

5.2 The section 106 agreement to be amended to include and take account of the above provisions.

6.0 Strategic Plan References

6.1 None directly applicable, however this proposed amendment does support the Council's commitment to localism and community involvement.

7.0 Financial Implications

7.1 None

8.0 Standard References

8.1 This report does not directly raise any implications in respect of publicity considerations or Equality, Diversity and Human Rights, Community Safety, Health and Safety or Risk Management Implications.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

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.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

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. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & 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 scrapyards 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.