

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
24 July 2008 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

. Amendment Sheet

See Final Amendment Sheet.

**No Page
Numbers**

AMENDMENT SHEET

Planning Committee
24 July 2008

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

**LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED**

7.1 080900 – St Andrews Gardens, Colchester

Conditions to be re-worded as follows:-

2. Add “unless otherwise agreed in writing with the Local Planning Authority.
12. After “Saturday” in second line add “10.00-17.00 hours Sundays and 09.00-18.00 hours on Bank Holidays, or such alternative hours as may be agreed in writing by the Local Planning Authority.”
14. Replace “that area shown on the approved drawings” with “an area of not more than 186 sq.m. of the retail store.”

Comments by Environmental Control Team:-

Should permission be granted for the proposed application Environmental Control would recommend the following conditions:-

1. Restriction of hours of deliveries:
Deliveries shall not be permitted outside the following times:-
Monday – Saturday – 6am – 10pm
Sunday and Bank Holidays – 10am – 4pm.
2. Agreed noise abatement controls in order to protect the amenity of nearby residents
 - (a) On Sundays, Bank Holidays before 8am and after 8pm on weekdays the following shall apply:
 - Drivers to switch off reversing alarms
 - Chillers switched off as soon as is practicably possible on delivery.
 - Drivers to switch off radios prior to driving into the service area.
 - (b) proprietary damping sheets shall be fitted to any metal or concrete ‘drawbridges’ or areas linking warehouse to delivery vehicles, to minimise noise of trolley movement.

3. A lighting scheme has been submitted and approved by Environmental Control”

Supplementary retail report submitted by agents in response to matters raised by Environmental Policy Team. It addresses question of scheme turnover and anticipated patterns of trade diversion as follows:-

- (a) Turnover – GVA Grimley, retail study estimated that total convenience spend to major outlets in Colchester catchment would be about £276m in 2011. Based on a trading area of 2500 sq.m. a turnover of £25m could be expected here, i.e. 9% of the overall figure.
- (b) Changes in Trading Patterns – It is likely the store will largely compete with existing freestanding superstores. Grimley shows current market share of these stores and this is used as a basis to show how the 9% market share could be divided up between these two stores with limited effect on overall market share.

Based on this assumption only a modest component would be diverted from elsewhere but the worst case scenario might be that 50% of this could be from the town centre (to an estimated value of £1.4m). This would be inconsequential in terms of Grimley’s turnover as a whole i.e. £742m . Additionally, the town centre turnover continues to increase year-on-year.

The Senior Enterprise Officer in the Strategic Policy and Regeneration Team has submitted comments in favour of the proposals. His comments in respect to PPS6 and other matters are set out below:

“Tony Bowhill’s retail study report (March 2008) and updating letter (17 July 2008) makes a good case in favour of the development proposal, the main points of which are summarized below related to the key elements set out in PPS6 (para. 2.28) together with this author’s additional observations.

- *Need for development* : the Report demonstrates the quantitative need, with reference to the GVA Grimley Retail Study 2006, for a convenience goods store (foodstore) of the proposed dimensions (ie with a trading area of around 2,500 m² – this is Waitrose’s typical store size) specifically within the urban area of Colchester within the planning period.
- *Impact on existing centres*: given overtrading at almost all other competing foodstores in Colchester, the conclusion drawn that a new entrant at the quality end of the convenience goods market will ‘not disadvantage such stores nor the town centre’ appears both accurate and reasonable. (In fact, the Letter of 17 July, Changes in Trading Patterns, provides a possibly pessimistic approach of

trading diversion to the new store, given that the brand is likely to reorientate current trade focused on the Sudbury branch to a significant extent). The store “offer” is restricted to convenience goods, unlike many other large supermarket groups, and will therefore have very limited “knock on” effects on the Town Centre.

- *Sequential test:* the Report demonstrates that no other sites are available either in the Town Centre or “edge of centre” locations for a store of this size within a reasonable timescale. The current site is already a retail destination (albeit for bulky goods) and it is at a gateway location on the Town Centre fringe. The site is closer to the High Street than Asda and equidistant in terms of the Town Centre with Tesco (Greenstead Rd). While those stores received planning permission under a regime prior to the emergence of PPS6, guidance from this later policy document gives grounds to support the application at this time, given the lack of alternative sites.

Moreover, it is spaced between both those existing stores on a major access road to the Town and additionally, is in a residential area and its hinterland which are poorly served by a foodstore of this size and range of goods; the Report estimates a local catchment of at least 4,000 people which high-density residential infill developments off the western lower part of Ipswich Road, adjoining the Colne, are already increasing.

- *Appropriate scale of development:* retail in district and local centres will be supported where the scale and type of development is consistent with the intent of the centre and will not harm the Town Centre. This appears the case and while the site is not formally either a district or local centre, it has formative elements of both.
- *Ensure that locations are accessible and well served by a choice of means of transport.* This is slightly more controversial; the Report asserts that ‘the proposal site is in a sustainable location’ (para 12.1) but does not thoroughly address transport issues. Given the type of retailer, car-borne shoppers from a broad catchment area are to be expected although there are the precedents of Asda and Tesco in broadly similar locations which generate significant car trips. At the same time, the site is reasonably well-served by public transport and there is the potential of more services being run along the A133 which might serve the University as well. Discussion of mitigation is therefore key (cf Laura Chase’s comments of May 2008).

He also cites benefits in terms of:

- *Physical regeneration:* redevelopment of a previously developed and longstanding vacant site through a more intensive use which provides a greater job density

- *Employment*: an increase in local job opportunities for two of the most deprived wards in the Borough with high worklessness and claimant unemployment levels and the introduction of a high adult starter rate payer with good employment terms and conditions
- *Economic growth*: apart from direct investment, Waitrose is part of the John Lewis Group and the decision to invest in this area reflects and consolidates and potentially advances Colchester's place at 36 within the top 50 retail locations in the UK (CACI, 2006). The Borough has a good concentration of Wealthy Executives, Flourishing Families, Prosperous Professionals, Secure Families and Settled Suburbia generating a shopper profile very similar to the Norwich (CACI ranking 11), Exeter (40), York (43), and Southampton (16), suggesting opportunities for a wide range of occupiers. Indirectly, the Waitrose development will therefore contribute to "place making" and support other investment associated with Colchester's growth agenda.
- *Social inclusion*: the Store will provide increasing access to convenience goods in a part of the Borough that is underprovided for. Although Waitrose is an "upmarket" store, they nonetheless offer more than 2,500 lines (perhaps 10% of their total lines) at prices which are the same or lower than those of Sainsburys. (*Talking Retail*, 17 July 2008), suggesting that low-income groups can still undertake part or all of their grocery shopping there.

The Assistant Group Personnel Manager of John Lewis (on behalf of Waitrose) has been in contact with the author to discuss his proposal to target recruitment on workless residents who would receive a guaranteed job interview on conclusion of a 6-8 week pre-employment training course. This proposal is being seriously considered by Waitrose at present and would broaden their conventional recruitment process, providing greater social and economic inclusion.

In this respect, the location of the Store - in St Anne's ward and adjacent to St Andrew's ward - will provide numerous jobs which will be accessible to residents of these deprived areas. (St Anne's contains six small areas, one of which is among the 11-20% most deprived areas in England and two others among the 31-40% most deprived areas. Deprivation is more widespread in St Andrew's than any other ward in Colchester; five of the six small areas in St Andrew's are amongst the 40% most deprived in England on the Index of Multiple Deprivation 2004). (For more detail, see CBC (May 2005), *The English Indices of Deprivation 2004 (revised): geographical analysis for Colchester wards*).

Reducing worklessness and improving skills are policy objectives of the Council and reflected both in the priorities of the Council's published Economic Prosperity Strategy: 2007-10 and in the Life Chances agenda also adopted by the Council.

Further comments from Spatial Policy Officer are as follows:

"The attached submission by the Senior Enterprise Officer provides evidence on the proposal's economic and social benefits, adding weight to the consideration of the overall benefits of the proposal as set against the disbenefits of its out of centre location. The additional work submitted by Tony Bowhill provides some information on the potential impact on other foodstores in Colchester but does not address all aspects of the requirement in para 3.22 of PPS6 to carry out an impact assessment covering wider aspects of the proposal such as its compatibility with the spatial strategy and its impact on the overall vitality of the town centre. Delay of the consideration of the application to carry out this work, however, is not requested as it is not considered that it would alter the balance of application considerations."

The **Tree Officer** has provided comments on the proposals raising concerns over the loss of TPO'd trees on the Ipswich Road side to make way for highway improvements. The trees in question are considered to be high quality and in the Tree Officer's view would dramatically alter the amenity of the area. He also requests that information on the protection of existing trees to be retained on site be provided in accordance with BS5837:2005.

7.2 071036 – Port Lane, Colchester

For Conditions 27, 28, 29, 30, 31, 32, 34, 35, 37 and 38, add....."unless otherwise agreed in writing by the Local Planning Authority in liaison with the Highway Authority"

Additional condition - The footway on the south side of the access road off of Port Lane shall be a minimum width of 2 metres.

Reason: The footpath width shown on the plans is too narrow and requires widening for it to function safely for the expected level of pedestrian movement likely to be generated by the development.

Additional condition to exclude the illustrative drawings showing selective building designs.

Additional note as follows:- References in the above conditions to "prior to the development commencing" or similar wording may, at the local planning authority's absolute discretion be deemed, if the development is phased, to relate to each phase of the development, providing such phases have previously been identified and agreed in writing by the local planning authority.

Additional S 106 clause to cover transfer of public open spare area to the Council.

7.4/7.5 – 081309 & 081040 – 38 East Hill, Colchester

Letter dated 23 July 2008 received from Bob Russell MP expressing support for Mr Patrick Mills of 37 East Hill. Expresses view having seen amended plans that in substance the plans are not of significant difference to those submitted previously which were refused unanimously by Planning Committee. Concludes with:

“I therefore hope that the Committee will stand by its previous decision and refuse the latest applications for being excessive and inappropriate because of the adverse impact the development would have on the area in general and 37 East Hill in particular.”

7.6 081079 – 80-82 London Road, Colchester

A letter has been received from the agent objecting to proposed Condition No. 5 regarding “no retail sales shall take place from the first floor of the building.” The agent contends that the existing store comprises a single retail unit of 3,298 sq.m. and it is unreasonable for an application for external alterations to remove the existing use of the first floor retail use. The site furthermore is within a defined shopping area where retail uses are supported and the Highways Authority did not suggest such a condition.

Officer Response: The agent’s comments are noted. However, the proposal removes 8 of the existing parking spaces as a result of the proposed trolley bay within a parking area that is well below the (maximum) standard recommended by your SPG if both the ground floor and first floor were utilised for retail sales. The application as submitted indicated that Aldi would be the main user of the ground floor with 2 smaller unspecified retail units on the ground floor, no user was specified for the first floor space.

The proposed condition would not preclude the use of the first floor for ancillary A1 use (e.g. storage). The Local Planning Authority would be prepared to consider a retail sales use of the first floor or an alternative use for a specified end user. However, officers do not consider it appropriate to grant planning permission for the proposal (in particular, the external trolley bay), with an open, unspecified retail sales use on both floors of the building, because the proposal involves the loss of car parking at the site.

Recommendation

Condition 5 remains as proposed. However, the reason for imposing the condition is amended and made more specific, to:

Reason: The application as submitted specifies retail sales uses for the ground floor of the premises. The Local Planning Authority is not prepared to grant planning permission for proposals which would reduce the level of parking on the site for open, unspecified retail sales on both the ground and first floors of the premises. This is made in the interest of highway safety, in accordance with adopted SPG and local amenity.

7.7 081103 – School Hill, Birch

The Agent confirms that it is intended to provide a girls and boys toilet within the nursery classroom. These facilities will not affect the external fenestration in any way.

7.8 081105 – Colchester General Hospital, Turner Road, Colchester

The Highway Authority does not wish to object to the proposals as submitted.

7.9 081118 – Gosbecks Road, Colchester

Members are advised that the Highway Authority has confirmed no objection to the proposal subject to the imposition of conditions and informatives on any grant of planning permission. These are included below for Members' information:

Prior to occupation of the development visibility splays with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy 1.1 in Appendix G to the Local Transport Plan.

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy DC1 of the Adopted Review Colchester Borough Local Plan – March 2004.

Prior to occupation of the development hereby permitted the turning space enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Reason: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T12 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy DC1 of the Adopted Review Colchester Borough Local Plan – March 2004.

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy DC1 of the Adopted Review Colchester Borough Local Plan – March 2004.

The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 4.1 metres and retained at that width for 6 metres within the site.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy DC1 of the Adopted Review Colchester Borough Local Plan – March 2004.

Prior to occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason: To prevent hazard caused by flowing water or ice on the highway in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan and Policy DC1 of the Adopted Review Colchester Borough Local Plan – March 2004.

Informative 1 – The above is required to ensure the proposal complies with the County Council’s Highways and Transportation Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19 October 2007.

Informative 2 – All works affecting the highway shall 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 initially by telephoning 01206 838600.

Informative 3 – The above will require dedication of land under s228 of the Highways Act 1080 and the developer entering into an appropriate agreement with this authority to secure the proposed road widening works as shown on plan number PJB/1476/07e.

The Highway Authority has confirmed that they do not wish to have yellow lines installed on this road as it would not be possible to enforce.

7.11 081109 – Mill Lane, Dedham

Condition 1 shall read:-

The existing rooftop extract duct and chimney shall be removed and replacement duct and plant as hereby approved shall be installed within a period of 3 months from the date of this permission/consent, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the listed building and its setting in the Dedham Conservation Area and in order to safeguard the amenity of local residents.

7.11 & 7.12 – 081109 & 081113 – Mill Lane, Dedham

The Conservation and Design Manager comments:

“A long drawn out saga.

This latest proposal is the result of specialist input seeking to balance the competing demands of an existing use, neighbour amenity and the visual constraints relevant to a Grade II* (star) listed building in a designated Conservation Area.

On the latter it is a clear improvement on the existing, being much less prominent visually and involving no significant damage to historic fabric. Consent is therefore recommended.”