

PLANNING COMMITTEE 13 DECEMBER 2012

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, John Elliott*,
Stephen Ford, Cyril Liddy, Jackie Maclean*,
Jon Manning, Nigel Offen*, Philip Oxford and
Laura Sykes*

Substitute Member :- Councillor Marcus Harrington
for Councillor Sonia Lewis*

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

65. Minutes

The minutes of the meeting held on 15 November 2012 were confirmed as a correct record.

66. 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 prior to the previous committee meeting on 14 June 2012 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Vincent Pearce, Development Service Manager, attended to assist the Committee in its deliberations. Also present at this meeting were two officers from Essex County Council Highway Authority and the Council's highway consultant. He referred to the report having been updated with the results of additional highway survey work which indicated that the likely increase in traffic on the 'ladder' roads would be negligible to modest, taking into account the natural increase in traffic; no accident black spots had been identified. It was likely that there would also be a negligible increase in pedestrian movements. Therefore, he could see no sustainable reason to refuse the application on highway grounds and thus it was demonstrated clearly that there were no grounds for refusal.

Sarah Varela, on behalf of St Helena Road and Errington Road residents, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to this application for a store larger than the original plan for a local store. Her objections were in respect of safety regarding the pavement width of 1.4 metres at the Drury Road/Layer Road/Butt Road junction and another section of pavement on a blind bend with a narrow unprotected pavement alongside which commercial traffic would be directed. She was concerned that the proposals may result in a child being

hurt or worse. Pedestrian movements at peak times had been recorded by local councillors and residents and the results did not agree with those recorded as part of the Supplementary Transportation Statement. She urged that a full independent and robust assessment and safety risk assessment be carried out before a decision on this application was taken.

Mike Jacklin, on behalf of St Helena Road and Errington Road residents, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on safety and congestion grounds. The residents had undertaken a pedestrian survey and a highway survey and neither reflected the results of the formal surveys. Nine roads fed into Butt Road and he would have expected there to be an increase. Primary school children walked to school along Butt Road on the narrow pavement, at a blind bend. The duty of care extends to making sure decisions are based on sound evidence and robust data. He believed that the data was incomplete and he urged the Committee to obtain full robust information, otherwise they should reject the proposal and build a local store as originally proposed for this site.

Roger Buston addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He related the history of the development of the Garrison site. Garrison traffic was routed through this area and the infrastructure could not sustain such traffic levels. The highway infrastructure had been designed to support what was in the original plan – a development around Circular Road North which included a local convenience store. Nothing had changed and the new population would be close to the numbers predicted. A bigger store would attract customers from further afield and they were likely to arrive by car. He did not believe that there would be no adverse traffic impact on the area as the studies suggested for a destination supermarket and compared the congestion to that experienced at the Hythe. He asked the Committee to refuse the application.

John Timothy, Head of Regional Corporate Affairs, Tesco Stores Limited, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He understood the discussion around traffic which had drawn attention and questions but they had worked hard to get the information to enable the Committee to support the proposal. They had listened to the views of the Committee. The traffic surveys demonstrated that there would be no significant impact on the roads. He confirmed that there would be a legally binding car parking area which would be managed through an automatic number plate recognition system. There would be a £30,000 contribution to provide additional weight restriction measures. Litter would be managed on site and there would be a further contribution to provide additional bins off site. A recruitment programme would make sure that people locally would have an opportunity to work at the store.

Martin Robeson, Planning Consultant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was a specialist in superstores and supermarkets. He had heard the assertions about supermarkets and traffic issues. He spent time working for large supermarkets, getting research to support their schemes. The traffic survey looked into the consequence of introducing a supermarket to the town and it demonstrated there would be little extra

traffic. He spoke about the changes people make in their habits in regard to supermarkets and superstores. At the inception of superstores people made significant changes but with each successive remodelling of superstores, the changes were insignificant. Those living close to stores tended to walk rather than driving once a week. This local centre would be the last; there were no other allocations waiting to be built and no extant planning permissions.

Matthew Brown, Tesco Independent Highway Consultant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He described the extensive traffic and pedestrian surveys undertaken in the surrounding roads and footways by an independent company using video analysis. Detailed analysis has been undertaken both by Essex County Council and an independent consultant. Three experts agree that traffic impact on ladder roads would be minimal. There would be a marginal increase in traffic which would not give rise to environmental impacts and the scheme does not give rise to any safety concerns. Pavement widths were sufficient to avoid pedestrians stepping into the carriageway and pedestrian impacts were minimal. Officers have confirmed that this development would not have an impact on the surrounding network.

Councillor Nick Cope, Christ Church Ward, attended and, with the consent of the Chairman, addressed the Committee. He referred to the figures in the ladder roads as set out in the report at paragraph 5.22 and the number of traffic conditions incorporated relating to the prohibition of lorries using the ladder roads. He questioned the outcome of the surveys that a larger shop would result in smaller traffic flows, the absence of Butt Road in the data and whether it was possible to add all the figures for adjacent streets to come to a figure for all roads. Butt Road was a major route into the town centre but was not mentioned in the report. Some people believed the proposal was too large and he asked the Committee to discuss this aspect.

Councillor Pauline Hazell, Shrub End Ward, attended and, with the consent of the Chairman, addressed the Committee. She was also concerned about the traffic resulting from the increased size of the store and the impact on safety and urged the Committee to reject the application and return to the smaller store of 512 square metres with three retail outlets. This application was outside the designation for Butt Road. Tesco want a bigger store to draw customers from a wider area resulting in more lorry movements to service the store and more car journeys. The resulting lorries and vans would have a serious impact on traffic at all hours of the day. She asked the Committee to consider the difference in highways emphasis on road survey. She compared the provision for pedestrians at the Shrub End Road/Norman Way junction where railings had been installed around both sides to protect pedestrians. There was a need for such provision at the Butt Road/Layer Road/Drury Road junction where pavements were particularly narrow.

Councillor Sue Lissimore, Prettygate Ward, attended and, with the consent of the Chairman, addressed the Committee. She also objected to the larger size of the store and referred to the route of delivery lorries. She believed that each of the franchise outlets would have their own deliveries. Residents wanted conditions to prevent extended opening hours, and to require Tesco to ensure that all commercial vehicle movements adhere to restrictions and routing. She also wanted restrictions on lorry

stacking in residential roads, Tesco to pay for residents parking scheme, restrictions on signage, a weight limit on surrounding roads, a 20mph limit on ladder roads, safety measures on the blind bend paid for by Tesco, no on-line deliveries from the site, security measures, magnetic controls on trolleys, no increase in size of store, no petrol service station. The reasons for refusal were that the application contravenes the Council's policies and posed a serious risk to pedestrians. Butt Road was one way traffic flow near the town and cars would have to travel through the ladder roads to get to the store.

Councillor Will Quince, Prettygate Ward, attended and, with the consent of the Chairman, addressed the Committee. He was also concerned at the traffic, particularly along roads in Prettygate and on the corner of Butt Road. He had witnessed children stepping off the pavement into the road to avoid obstructions. He referred to the difference in survey data between the formal survey and the residents' survey. The highway figures did not add up. The Council should listen to residents who knew the area. If the Committee was minded to refuse the application, the applicant would go to appeal and costs would be awarded against the Council. He asked the Committee to take a chance and take residents seriously and that they give consideration to the conditions referred to by Councillor Lissimore.

The Development Services Manager, referred to general issues regarding traffic generation. The difference in traffic was a net increase as illustrated on page 12 of the report. He suggested that people may or may not have taken a different route when the formal survey took place which was unannounced. He responded to Cllr Cope in respect of Abbotts Road being an equivalent comparator. Cllr Quince urged the Committee to take a chance which might lead to an appeal and costs. Roger Buston referred to the Garrison development and the multi-million pound road improvements. The Council would not be able to defend a refusal on the grounds of wanting to address the safety of children on the bend.

Martin Mason, Essex County Council Highway Authority, referred to the traffic counts which had been done by video. He confirmed that there was no accident record in the area and no evidence to suggest that the proposal would lead to a safety problem. In respect of a suggestion for a guard rail he responded that the pavement was not wide enough. If installed the footway would be extremely narrow. He also confirmed that the Highway Authority were comfortable that the proposal would be well served by footways and crossing facilities. Mr Mason was also invited to indicate what his professional advice would be if the residents' pedestrian and highway survey results were accurate in response to which he confirmed that the figures were not such as to change his highway advice to the Council.

Matthew Last, Consultant, clarified the survey figures. The pedestrian survey was undertaken on the south side of the road and the residents survey was on the north side of the road which could explain the difference. A further survey of 54 movements was similar to the residents' survey. The formal survey was robust and reasonable and the junction capacity modelling was also reasonable. In all cases they were satisfied with the impact being minimal. A traffic assessment should take into account five years into the future and the projected future flows increased by 10% thus they would have no environmental impact.

Members of the Committee made the following comments or sought further information:-

- confirmation sought that the formal surveys were not undertaken on a non-pupil day;
- confirmation of pedestrian movements on the north side of Butt Road/Drury Road junction on a bend and unprotected. Need to ensure the route is safe;
- could this section of footpath be widened, perhaps by taking some of the grass on the other side of the road;
- buses make a very tight turn from Layer Road into Butt Road, suspect they may not get round at all if the road was widened;
- local people may not use their car in the future. A number of people live within 800 metres – had this been taken into account;
- request for a 20mph speed restriction as well as weight restrictions on the ladder roads;
- request for contributions towards road safety humps in the local area, alternatively ring fence the money for road safety to be used elsewhere in the local area;
- no on-line deliveries for this store;
- how would the agreed route be enforced. What if delivery vehicles needed to visit the other Tesco stores;
- enquiry on how many disabled parking spaces were provided and use of disabled bays;
- night closing of the car park;
- no physical extensions to the store be allowed without planning permission.

Matthew Last, Consultant, explained that the Highways Authority accepted movements from the store. It was reasonable to assume there would be some transfers from car to walking and the study did look at such an expected transfer. He also explained the Trip Rate Information Computer System (TRICS), an industry standard which held information on large developments and various types of development across the country and that information had been used to derive traffic predictions. This data was very robust because it included stores with petrol stations and stores without, and it was more likely that there could be an over estimation rather than an under estimation.

In response to the comments regarding the narrowness of the Layer Road/Butt Road footway, Martin Mason, Essex County Council Highways Authority, believed that it was not possible to meet highway standards in that area, and furthermore they were not prepared to sign off a junction which did not meet modern day standards.

The Development Services Manager explained that a plan for designated routes had been provisionally agreed with Tesco, but it would be possible to include other Tesco stores in Colchester in the plan. In terms of the designated route, if a regular driver took a different route it would be necessary to make direct contact with Tesco or the regional office to challenge the route taken; the Council was working with Tesco to honour such an agreement.

He also explained that this application resulted in an increase of 800 square metres on the original convenience store, and there was no change in the bend in the road from

the previous smaller convenience store. The Committee should be aware that there was already a live permission which would add activity at the bend. The difference in pedestrian movements would not be enough to require improvements at the junction and it was not reasonable to ask developers to do works based on a marginal increase in pedestrian movements. He did not believe a lollipop crossing would help people at that bend. Tesco had comprehensive coverage in Colchester and that may change behaviour so that people will shop locally. There would be twelve disabled spaces, eight parent and child spaces, and a number of motorcycle spaces.

He responded to suggestions for some additional conditions:-

- the store should close at 8pm instead of 10pm;
- all deliveries to be made within the hours of business and a delivery strategy to be agreed;
- external lorries to adhere to same hours of delivery as Tesco own lorries;
- a regular liaison session be set up with the store manager,
- a liaison be set up between ward members and someone who could authorise action;
- lorry stacking – could ask/explore waiting arrangements at Highwoods store;
- illumination to be agreed;
- it would be unreasonable to expect Tesco to fund residents parking extensions in nearby streets;
- signage could be controlled by conditioned;
- roads should be designed for 20mph and it was not now appropriate to fit road bumps into existing roads;
- could ask for a contribution for a lollipop crossing;
- no fast food;
- will have a discussion on closing the car park at night;
- provide clarification that this permission is for a fixed amount of floor space, despite any other changes;
- the site is too small to accommodate a fuel service station;
- Tesco own enforcement regime and they can be penalised;
- It is not possible to acquire contributions to be used elsewhere.

RESOLVED (NINE voted FOR, FOUR voted AGAINST, and ONE ABSTAINED from voting) that –

(a) Consideration of the application be deferred and the applicant be advised that the borough council was minded to grant a conditional approval provided that a legal agreement was signed, within four months of the date of this Planning Committee meeting, to cover the items set out under the Section 106 section of the original report, and repeated below:-

- 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 £8,335.25 + 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.

(b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the original report and in the report for this meeting with the following amendments and additional conditions:-

Condition 39: to be expanded to include the requirement to agree onward routing from the Butt Road store to other Tesco stores in the area and to include the requirement for Tesco to apply agreed routing to suppliers servicing the Butt Road store. This Management Plan shall also include the agreement of arrangements satisfactory to the Local Planning Authority, arrangements for 'stacking' of delivery vehicles that arrive early/late in order to avoid lay overs in adjoining streets. These arrangements may necessitate the laying over at Tesco's Highwoods store which operates on a 24-hour basis. It should be noted that in approving delivery times these should not be permitted outside of agreed business opening hours for customers. In addition the delivery times agreed shall exclude periods that coincide with children arriving at (am) and departing from (pm) the nearby Hamilton Primary School.

Condition 17: to be expanded to include the restriction that the store shall not be used for making home deliveries or on-line order collections unless otherwise agreed by the Local Planning Authority.

Extra Condition requiring Tesco to agree a method for closing the car park at night with the Local Planning Authority and then to implement that arrangement. This arrangement to include the provision of parking spaces outside of the lockable area for the use by visitors to the associated affordable housing units. Tesco may wish to give consideration to installing alligator teeth that can be raised after closing hours thereby allowing cars out but no cars in.

Extra Condition requiring a programme of liaison meetings to be arranged prior to commencement and then undertaken every four months during the construction period and the first year of trading between the Tesco Butt Road store manager, ward councillors from Christ Church and Shrub End wards and a representative from the Planning Service. Such meetings shall also be supplemented with a liaison meeting one month into the planned build programme and another one after one month of trading of the opened store with the regional director who attended the Planning Committee meeting to speak in support of the proposal.

Extra Condition requiring submission and approval of a signage strategy for the site which also identified those areas of the building and parts of the site where in principle

signage may be accepted.

67. 120848 Stanway Railway Depot, Halstead Road, Stanway

Councillor Harris (in respect of a family member being employed by Hopkins Homes Limited) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the 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. 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.

Mark Russell, Principal Planning Officer, Vincent Pearce, Development Service Manager, Beverley Maclean, Coast and Countryside Officer, and Liam McKarry, Tree Officer, attended to assist the Committee in its deliberations.

Emma Asensio addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application in respect of local wildlife issues and the consultation period. She believed that the Essex Wildlife Trust had not been consulted on the proposal during the initial period of consultation for the Local Development Framework and that the Trust would have objected to the allocation at that stage in the same terms as their more recently submitted objection. Residents were concerned that there was no evidence that the woodland to the north would provide a suitable mitigation area and that there had not been a full debate regarding the tests of habitat regulations on whether there was a potential for harm.

Brian Rayner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application in respect of the impact of additional traffic joining the A12 at junction 26. The requirement for a junction assessment at the A12 junction had been marginal. He suggested that the majority of residents would travel by car and the A12 junction was the most direct route for most journeys. In regard to alternative means of transport, there was no proposal for additional services to the current provision of public transport, there was no clarity on whether cyclists would be able to cross Halstead Road, and to suggest that residents walk to the shops was farcical. He considered there was a need for an appropriate travel plan for this residential scheme.

Anthony Bell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application in respect of the translocation of protected species. He was of the opinion that the Great Crested Newt had declined and that translocation of this species might not be successful. Advice on this matter was unclear on whether it was a suitable species for translocation and the practice was regarded as damaging. In any case, there was a need to allow one year

before translocation took place and the reception site should be avoided if it had a pond. The owners of the site had a legal obligation in this respect.

Simon Bryan, Development Officer, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the land being allocated for residential use and that a development brief for the site had also been adopted; the proposals were in accordance with that brief. The site required ecology and engineering solutions. The land was in poor condition in respect of biodiversity because of the areas of contamination resulting from the previous use on the site and if left it would continue to degrade to the detriment of the wildlife; translocation of wildlife to the area to the north would enable their preservation. He referred to some illegal trespassing for dog walking and cycling purposes. He considered the land should be transferred to an appropriate body. They were providing four acres north of the railway line and an area of open space.

Melanie Archer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application in her role as a qualified ecologist. She explained that surveys had been undertaken on the site for five years and in her opinion the proposal would result in significant ecological benefit in habitat and species. If the site was left there would be a lowering of biodiversity. The mitigation measures proposed were in line with best practice and current guidelines. There would be a loss of 3.9 hectares of habitat. The site was of special scientific interest with Great Crested Newts and notable species of nesting birds. She referred to tree preservation orders within the wood. She also referred to the 10-year management plan which would include the management of habitats and would improve the ecology of the site.

Robert Eburne, Planning Manager for Hopkins Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the objections which related to the principle of development and he explained that the site was approved in principle for residential development. He also referred to the two previous planning applications in 2006 and 2011. This proposal was in accordance with the Local Plan which identified the site as suitable for between 120 and 140 dwellings and by comparison this proposal was a relatively low density.

Councillor Lesley Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She was concerned about additional traffic and the current provision of public transport. The Highway Authority considered the development would affect the A12 and she questioned the impact of additional vehicles from the development on the surrounding road network. Of particular concern were the inadequate road surfaces, all the three routes into the town centre were residential roads with noise and congestion, journeys were slow and neither Halstead Road nor King Coel Road had any off road parking. She had undertaken a great deal of road safety work and was not satisfied that the surrounding roads would be able to cope. The A12 at junction 26 would exceed acceptable traffic flows. Traffic could be reduced by use of buses, cycling and walking but the bus service was only hourly. She asked that the Committee defer the application due to prematurity.

Councillor Kevin Bentley, also Essex County Councillor for Stanway and Pyefleet Division, attended and, with the consent of the Chairman, addressed the Committee. He referred to a petition of 250 signatures. A development of 123 homes could give rise to 300 cars from which there would be major congestion. Halstead Road was a small country lane. He questioned whether any appropriate traffic surveys had been undertaken and requested that a proper survey be done. He was not satisfied with those plots with undersized garden space. He believed the site allocation plan for 140 homes on this site was a mistake and possibly the development was flawed. He wanted the question of which organisation would manage the woodland to be resolved and considered the application should be deferred or refused on ecological grounds. The use of bicycles may not appeal to those who would use cars. The parish council, one of the ward councillors, himself and the Member of Parliament for the area, Priti Patel, were all opposed to the application.

Councillor Colin Sykes, attended and, with the consent of the Chairman, addressed the Committee. He referred to the history of the site and to its inclusion in the borough local plan and in 2010 to the Site Allocations Document. All three borough councillors were invited to contribute to that document which was signed off by the Portfolio Holder Councillor Lyn Barton who also invited members to comment. There was no request for the Portfolio Holder decision to be called-in. Therefore this site was allocated and agreed by default in 2011. Any developer would be able to submit a proposal for this site and the Committee could determine that application. Earlier speakers had mentioned ecology and traffic issues but the Committee was not in a position to refuse the application. He considered that the application was substantially in accordance with the planning brief and the Council's aspirations, and on balance he considered it to be acceptable.

In response to issues raised, the planning officer explained that due process had taken place and that Essex Wildlife Trust was aware of the site. It was also acknowledged that contamination work was being undertaken. A travel plan for a residential scheme was inappropriate, therefore a travel pack was being provided to encourage residents to use the bus services, etc. In respect of a safe crossing point, the Highway Authority regarded Halstead Road as too narrow and the predicted level of usage for a crossing was too low. The Highways Agency was content with the predicted impact on the A12. This was a live site in the Local Plan and the Local Planning Authority had agreed a development brief for the site. Nineteen of the total number of dwellings had garden sizes below the standard although many of these were only slightly deficient.

The Council's Coast and Countryside Officer responded to comments and queries raised in respect of the woodland and ecological issues. The previous planning permission on the site over-rode ecology issues. Essex Wildlife Trust had made representations on other sites but not on this site. The officer had been working with ecologist, Melanie Archer, and her work for the Great Crested Newt had complied with the guidelines for assessing ecology. Woodland management proposals had been challenged by Essex Wildlife Trust and Natural England and as a result a more robust management scheme had been developed. Standard procedures for translocation of the Great Crested Newt were being followed. Currently there was no access into the woodland and what had been offered would provide an improved access.

A member of the Committee raised the issue of the management of the woodland. There was a preference for any management plan to be in perpetuity rather than for just ten years, and it was suggested that the ownership of the wood should be transferred to an appropriate organisation such as the Woodland Trust. The wood was located in West Bergholt and Eight Ash Green ward and there was a request for ward councillors to be involved in any discussions regarding arrangements for the woodland. Other issues raised by members of the Committee included:-

- a request for the developer to consider the provision of water butts for dwellings;
- whether solar lighting had been considered;
- additional condition to control working practices during construction such as working times and days, wheel and road cleaning, no site vehicles to be parked on the highway, dust prevention and water bowsers;
- provision of grit bins;
- one access and egress to the estate;
- agreement with the borough council and the Highway Authority for the adoption of the estate roads;
- permitted development rights to be removed across the entire site;
- a crossing for school children;
- the impact on the A12 junction;
- social housing to be pepper potted throughout the site;
- problems with drainage and sewerage systems to be resolved;
- provision of dog bins;
- any roads which were particularly narrow be made up to a minimum 5 metre width;
- a maintenance plan for trees which were subject to a tree preservation order to ensure they did not become a hazard;
- trees to be removed from the location of the open space in order that it could be made available on time for residents to use.

The planning officer, Development Manager, Coast and Countryside Officer and the tree officer responded to the particular issues raised by the Committee in the following terms:- it would be possible to look at a scheme to achieve water efficiency, but surface water would be pumped away and there would be a storage system. It would be possible to request a SUDS system. In respect of working practices during construction there was a standard informative but it would be possible to impose suitable conditions, however, it would be unreasonable to prohibit site vehicles from parking in the highway. Essex County Council would resist adoption of estate roads prior to the completion of the development if it would involve repairs to be made afterwards caused by the development process. It would not be possible to widen estate roads because it would impact on the development to the extent that the entire scheme would need to be remodelled. It would be possible to ensure that street lighting, litter picking, and a management plan for potholes be repaired through a Section 106 legal agreement. The parking bays were of an acceptable size. Officers considered that a development of this size would not have any significant impact on the A12 junction. Affordable homes were provided in three areas of ten dwellings in each area; it was considered far better to secure affordable housing rather than insisting on pepper potting. In respect of the landscaping scheme, it was preferred that the scheme be planted up when the development was complete to avoid having to keep

repairing vegetation. Planting in public areas would be managed by the parks and recreation team.

In respect of arrangements for the woodland, it was accepted that the management plan should be extended to 25 years to ensure a proper management of the site. In the event that any funding provided by the developer was to be transferred to a third party, such as the Woodland Trust, a Section 106 legal agreement would be required. However, the Council was unable to require another organisation to take ownership of the woodland, although indications from ongoing discussions with the Trust were that they were willing to work with the Council on this matter.

RESOLVED (TEN voted FOR, THREE voted AGAINST and ONE ABSTAINED from voting) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal 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 £37,00 per hectare for any areas of land to be maintained by Colchester Borough Council;
- 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:
 - o 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;
 - o 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;
 - o A post-construction long-term management strategy for the Great Crested Newt habitats;
 - o A monitoring and mitigation scheme for all reptiles (including Slow Worms);
 - o Confirmation that any subsequent land-owner will also inherit the implementation of the 25 year plan.

(b) Upon receipt of a satisfactory signed Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet

together with the following amendments to the Section 106 Legal Agreement to include involvement discussion between a West Bergholt and Eight Ash Green ward councillor, a Colchester Borough Council ecologist and the Essex Wildlife Trust, and to phase the release of the open space early together with the following extra conditions:-

- Extra condition 26 relating to ecology documents;
- Extra condition relating to grit bins;
- Extra condition relating to site management to include litter picking, repair of street lights, dog bins and care for planting;
- Wheel washing/road cleaning, dust control and grey water recycling standard conditions;
- Condition 13 to be amended to refer to SUDS.

68. 121902 and 121905 152 High Street, Colchester CO1 1PN

Councillor Chillingworth (in respect of being a trustee of the Building Preservation Trust) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered planning application 121902 for an enlarged and refurbished Williams and Griffin store including part demolition and rebuild, remodelling of external elevations and internal alterations, and planning application 121905 for conservation consent in respect of the demolition aspect. The Committee had before it reports 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.

Vincent Pearce, Development Manager, and Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

Hugo Fenwick addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the sole letter in response to the public consultation which highlighted support for the proposal with no objections from local residents. It also compared Colchester's town centre to those in Ipswich and Chelmsford, both of which had received investment from John Lewis. It speculated that the proposal would pull people in from further afield. In respect of the heritage aspect, he referred to the renovation of the store both internally and externally, the consequence of which would be the removal of one façade. In conclusion he stated that the proposal was fully in accordance with the National Planning Policy Framework which set out to encourage sustainable development and would provide long term investment and regeneration for Colchester's town centre.

Councillor Lyn Barton, Colchester Portfolio Holder for Renaissance, attended and, with the consent of the Chairman, addressed the Committee. She fully supported the investment and the design of the store which would provide an important retail experience for residents. However, her main concern was in respect of the intention to demolish a 1920s façade. She referred to local experts having compiled a local list of

heritage assets and that elsewhere the list had been successful in protecting local heritage. The Development Plan Document states that existing buildings that are not formally listed buildings and local list buildings will be protected and enhanced. The block building would change the street scene and dominate the High Street. She asked if the recommendation could be reconsidered to incorporate these facades.

Councillor Sue Lissimore attended and, with the consent of the Chairman, addressed the Committee. She made representations on behalf of disabled drivers in terms of the proposed closure of the High Street to all cars and the existing facilities for disabled drivers being moved to North Hill. Her concern was that some disabled people may not be able to use the re-located disabled parking facilities because they would not be able to negotiate the hill. She requested that the Planning Committee give consideration to an amendment to the Section 106 Agreement to require Williams and Griffin to fund parking facilities for disabled people at the Nunns Road car park which would enable those with disabilities to access the High Street along a level pathway.

In response to the request for the retention of the 1920s facades, the Planning Manager referred to there having been a change in Government policy for planning matters rather than there having been any change in the Council's planning policies. The general recommendation now was for planning authorities to facilitate growth, although he cautioned that heritage was a finite resource which could not be recreated. In considering the loss of the 1920s facades he stated that whilst it was important that the local list be given due weight, the issue was about taking a balanced view on whether substantial harm would result from the loss of those facades. In this case it was considered that the harm was not substantial whereas the benefits of the proposal were substantial. The case referred to by Cllr Barton had primarily been refused on design grounds not on grounds and it was clear that the poor design proposed in that case was not comparable to this proposal. The applicants wanted to achieve a form of recognition on the High Street and if the 1920s facades were retained there would be an impact on the proposed frontage. In respect of the provision of disabled parking facilities he stated that the applicants did not own any land beyond the boundary of the buildings and it would require a dialogue with a third party in order to secure a change of location of such facilities. This would bring benefits to the store but it could not be secured through the Section 106 Agreement although it could be explored outside of the planning application.

Whilst not being opposed to modern architecture per se, some members of the Committee voiced their support for the retention of the 1920s facades and suggested the possibility of retaining them in a different location be investigated. Reference was also made to the earlier loss of the Cups Hotel further along the High Street. Other members of the Committee balanced the benefits against the disadvantages and supported the proposal with the significant investment in the High Street that it would bring, including a visual presence which would be lost were the 1920s facades to be retained. There was also a view that significant changes to the context of the 1920s façade had already had a significant impact on its historical value.

RESOLVED (ELEVEN voted FOR, TWO voted AGAINST and ONE ABSTAINED from voting) that –

Application 121902:

- (a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for items as set out in the report and in accordance with the Council's Policies.
- (b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

Application 121905:

Approved as per recommendation subject to conditions and informatives as set out in the report and on the Amendment Sheet.

69. 121895 2 Morello Court, Colchester

The Committee considered an application for the erection of a single storey conservatory to the rear of the property. The Committee had before it a report in which all information was set out.

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

70. Appeal Procedure // Land from Wormingford to Abberton including Abberton Reservoir, Peldon Road, Abberton

The Head of Environmental and Protective Services submitted a report on a proposed appeal procedure relating to grants determined by the Abberton Community Fund Panel. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

RESOLVED (ONE ABSTAINED from voting) that an appeal procedure following a grant application being declined, be agreed and the Section 106 Agreement be amended to include and take account of the provisions as set out in paragraph 5.0 of the report by the Head of Environmental and Protective Services.