

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE**

**13 December 2012 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**10. Amendment Sheet**

**161 - 180**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
13 December 2012

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 120412 – Butt Road, Colchester

### Essex County Council (Highways)

The Highway Authority has confirmed that they are content with the Supplementary Transport Statement.

The Highway Authority has also confirmed that they will continue to work closely with Colchester Borough Council as the local planning authority as well as Tesco's representatives to ensure a satisfactory outcome is reached in terms of any possible impact of the proposal on highway capacity and safety.

A letter received from Cllr Hunt (Ward Member for Christ Church) is set out in full) below:

"Dear Chairman and members,

I apologise that I cannot be at the meeting to 'have my say' as I am at a North Essex Parking Partnership meeting in Saffron Walden during the afternoon and will not be back in time.

I have asked Val if she would be kind enough to include this note on your 'supplementary' notes instead as I wish to make some comments in my capacity as Ward councillor for Christ Church.

I still believe that the number of surveys and reports rightly carried out on this project - which turns a small neighbourhood store in the Outline approval to a much larger Destination store in the current one – has, far from making matters clearer regarding highway problems, created an unintentional smokescreen through which it is virtually impossible to easily define what you need to know to reach a decision. Mr Day himself in an e-mail to me admitted 'It is unfortunate that each survey work commissioned is displayed in a different form, making direct comparisons difficult'. I would say impossible.

What you need to know is first, present traffic flows on the affected streets; second what the traffic flows might have been if the smaller store had been permitted; and third what the projected traffic flows are with the much larger store. What you have, as far as I can see, is a survey carried out at the request of Highways Panel by Highways East of the 'ladder' roads which produces volumes and speeds for a whole day; nothing I can find although the report alludes to it, which gives the projected traffic flows of the smaller store; and a recent report which gives projected tiny amounts of extra traffic taking the larger store into account. As this, in some cases, purports to show that the extra size of the store will in some cases actually REDUCE the amount of traffic, can you take it seriously? I can't. It is an absurd claim. There is now I note an attempt to blame this confusion not where it rightly falls, on the official surveys, but on a claim that residents have cause confusion by carrying out their own surveys which produce a different result to the official one. That claim I suggest is an intentional smokescreen.

The other problem is the nature of the traffic and pedestrian movements at the double mini roundabout at the junction of Drury Road, Layer Road, Butt Road and Goojerat Road. As people who live in the area will tell you this junction, which the Highways Authority obviously concedes is inadequate as they have just improved it with traffic lights, is already congested at peak hours and very heavily used outside peak hours as it is the designated route into Colchester along Butt Road for people living to the South of Colchester. It is also the designated entry and exit from Colchester for all Garrison traffic and the hundreds of housing units built recently to the East of the site also use it.

It was designed to take the traffic for a local neighbourhood supermarket, which was always a dubious prospect anyway, but is certainly inadequate for what is now proposed as a Destination supermarket. I will forecast with certainty that customers will be stuck in traffic queues inside the supermarket car park because they will be unable to access Butt Road, especially at peak times. There is also we feel a considerable danger to the scores of schoolchildren who use the footpaths adjacent to this junction, and cross at this junction, every school day. I believe this will be explored by other speakers at the meeting.

In short I would like to suggest that far more information is still required before you can in conscience risk granting approval. If you are totally sure and completely convinced that local people do not what they are talking about then your choice is obvious. If you believe local councillors and residents (who are not, remember, opposed to a supermarket) are genuinely concerned about the safety of this area based on their personal experience, then I suggest your choice is also obvious.

With good wishes for your deliberations,  
MARTIN HUNT, Cllr, Christchurch Ward. "

*Officer Response:*

- *The application site is allocated as a Neighbourhood Centre and the Planning Policy Team has advised that the size of the proposed store is compatible with this designation. The store is not considered to be a destination store.*
- *The Supplementary Transportation Statement (STS) sets out the extent of the survey and modelling assessment undertaken and the conclusions derived from this work. The traffic flows quoted by the members of the public (which are provided without any context or explanation) can not be readily compared / assessed against the STS; the survey and assessment work within the STS has been clearly set out for all to review.*
- *The STS includes a survey of present traffic flows (Appendix 1), the traffic generation associated with the extant planning permissions (Table 6 of the STS and repeated in the Officers Report) and traffic generation of the proposed scheme (Table 3 of the STS and repeated in the Officer's Report).*
- *The Drury Road / Butt Road / Layer Road junction, the Butt Road / Goojerat Road junction and the Butt Road and Circular Road West junction have been improved as a part of the garrison development, which the current application site forms an integral part. The Highway Authority has confirmed that these junctions have been subject to the relevant safety audit assessments. It has also been demonstrated that these junctions will continue to operate within capacity following the implementation of the current proposal.*
- *Pedestrian surveys were undertaken as a part of the STS and there is no evidence to support the various safety concerns that have been raised.*

An objection has been received from Cllr S Lissimore and is set out below:

"I would like to reiterate the comments I made at the original planning hearing.

Because this store is far larger than originally agreed, there will be substantially more deliveries. For example, a store of this proposed size may have a Krispy Kreme doughnut stall. This takes up a max of 3 sq Feet. However this will mean a daily delivery of doughnuts to the store. One lorry carrying just doughnuts. It may have a jewellery stand or two. Again these take up just a few square feet. Yet another lorry has to delivery the jewellery. The store may sell different types of bread - all requiring different deliveries - but a store this size may sell bagels, croissants, waffles etc all requiring separate deliveries etc. My point therefore, is that they store may be 3x the size previously agreed, but it will have far more than 3x the amount of delivery lorries visiting it.

Tesco have said they will ban deliveries at a certain time - a little research shows however in other parts of the country this does not

work. Reason says that delivery drivers can not time their deliveries on a route perfectly and it is quite common for the lorries to park up in a near by road to wait until the curfew has passed. This area of Colchester was not built for deliveries in this quantity in mind - if there was not a one way system at the top of Butt Road then I do not believe there would have been the concern over this application that there has been - common sense (not unproven statistics) tells us that cars from town who wish to visit the store to collect goods that they have ordered online or buy goods, will drive down Maldon Road then cut through the 'ladder' roads. Even if they continue to the junction of Drury Road and Shrub End where the traffic lights are, there is already substantial congestion at this junction which would also then become the designated route for lorries too.

The Sainsbury's application at the Drury Arms pub was refused due to traffic concerns - this should be refused too".

*Officer Comment:*

- *The servicing and routing of delivery vehicles has been the subject of extensive discussions between the applicant, the Local Planning Authority and the Highway Authority. The delivery vehicles under the control of Tesco will be subject to a legally binding route and the delivery hours will be controlled by condition. A proposal has been offered by the applicant to fund the introduction of weight restriction measures on the ladder roads. 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.*
- *The STS does not indicate that the proposed store will generate highway capacity issues at the nearby junctions*
- *The proposal to extend the Drury Arms for retail use (Sainsbury) was not refused on highway grounds.*

A number of additional letters of objections have been received by the Local Planning Authority. The issues raised generally repeat the objections previously made – i.e. increase in traffic, highway safety, and development out of character. One resident states that they have undertaken a pedestrian survey between 8am and 9am - 1 hour, (Thursday 29th November) and counted 69 pedestrian movements (comprising one or more pedestrians) or which 51 were pedestrians of Primary school age or younger and 10 were pedestrians of Secondary school age. This letter also raises the following issues:

- The pavement on the north side of Drury Road / Butt Road is narrow and unprotected footpath; it is not wide enough to allow a buggy and pedestrian to pass.
- Buses turning right from Layer Road into Butt Road cannot physically navigate the junction without their left front wings, slightly overlapping the pavement; other residents have seen the front of a bus completely taking up the whole pavement

- The above situation will only get worse once Tesco is up and running.
- Tesco has given no assurances on the routes, size or frequency of the lorries required to service these units.

*Officer Comment:*

- *The width of the Drury Road / Butt Road is an existing situation and will remain the same whether the extant or the current scheme is implemented. The suggested introduction of guardrails would further reduce the width the pavement making passing more difficult; it would also be impractical to implement due to existing access points.*
- *The Layer Road / Butt Road junction has been subject to a Stage 4 Safety Audit and the geometry of this junction is considered adequate by the Highway Authority.*
- *The highway capacity of this junction has been assessed and is considered adequate.*
- *Lorries under the control of Tesco will be the subject of a legally binding delivery route and Tesco have advised that it is standard Tesco practice not to deliver during school opening and closing times. The delivery times will also be subject of a condition.*

Tesco have written to the Cllr T Higgins regarding this application, the contents of which are summarised below:

- The letter states that additional highway assessment has been undertaken and that this has been subject to public consultation and independently verified by the Highway Authority and Ardent Consulting Engineering.
- The additional assessment work has reaffirmed that the scheme will not bring about any significant highways concerns.
- Tesco have worked hard developing the proposal which will deliver many benefits for the local community including increased retail choice, more affordable housing and new employment opportunities.
- It is hoped that Members will be minded to support their officer's recommendation.

This letter was also copied to the Ward Councillors for Christ Church, Shrub End and Prettygate.

E mail received from Mike Jacklin dated 13 December 2012 summarising the traffic congestion and safety concerns of local residents and businesses:-

### **Summary of key points and preferred decision option**

Local residents and businesses are in favour of plans for a local store on the Butt Road.

We are **against** the current application on the grounds of safety risks and congestion.

The application is for a store about the size of the Colchester Waitrose, an additional 6 retail units and a 171 space car park – a destination retail park.

**Garrison Plan key objective - minimise traffic impact from the development**

**Application Impact:** Destroys objective. Will suck traffic into precisely the local area the Garrison Plan traffic scheme was designed to avoid.

**Garrison Plan key objective - provide store of sufficient size to meet needs of expanded local community**

**Application Impact:** Destroys objective. Nothing has changed. Only reason for a larger store is bring in customers, by car, from outside the area, to maximize profits at the cost of significant increase in traffic congestion and serious safety risks.

**Survey Data in Officer's report is not robust – vastly underestimates actual pedestrian movements**

Key road safety concern: school children, walking to and from local schools on the narrow, unprotected, Butt road pavement next to Goojerat Road entrance to the planned site.

Survey data in Officer's report: 28 pedestrian movements (3-4pm daily peak)

Actual data, verified by two Councillors on Monday 10<sup>th</sup> December (2.55 – 3.55pm):

142 pedestrian movements, of which 62 are Primary School age or under (too young to be road aware), and 36 are of Secondary School age.

**Application Impact:** Data on key safety concern is not sufficiently robust for a planning decision to be made in favour of the Applicant. To do so, would raise serious questions over duty of care to vulnerable residents, too young to be road aware.

As the Pedestrian Survey data (a simple count of pedestrians) is so wildly inaccurate, it raises serious questions as to whether the more complex traffic modeling data is also wildly inaccurate.

**Survey Data in Officer's report is incomplete – No increased traffic measure for Butt road is provided**

9 roads lead into Butt Road. The Survey data provides predicted increases for the 5 ladder roads (-1 traffic movement in St Helena !?!). No increased traffic measure for Butt Road, the road most affected and the road on which the children walk to school, is provided.

**Application Impact:** Survey data does not supply the most critical predicted traffic increase measurement required (Butt Road). Until this is provided, traffic survey data is not sufficiently complete or robust for a decision to be made in favour of the applicant.



## **Conclusion and preferred options**

The current application reverses key objectives of the Garrison Plan. The pedestrian and traffic data is not sufficiently robust or complete for a decision in favour of the applicant to be made. Serious duty of care questions remain.

We urge the Planning Committee to seek robust and complete information on which to base their decision. If this is not forthcoming or feasible, then surely, the only option available to the Committee is to reject the Application and request the Applicant to revert back to the original plans for a smaller development.

## **Preferred options**

The strongly preferred option of local residents and businesses is for the Planning Committee to request the applicant to revert to the original smaller store.

If the Planning Committee wish to find in favour of the applicant, please can the following conditions be applied:

- No extended opening hours - can the hours be capped at 9am to 8pm weekdays and 10am to 4.30pm on weekends, to allow local residents some respite?
- Tesco to be responsible, as landlord, to ensure that all commercial vehicle movements to and from the site adhere to restrictions and routing (not just Tesco own vehicles)
- No morning deliveries before 5am and no later than 8am rush hour (and when kids start walking to school). No deliveries during school hours or afternoon rush hour, or later than midnight?
- Restrictions on lorries "stacking" in the residential roads
- Conditions to be in place prior to construction, so that contractors are covered by the same restrictions
- Extending residents parking to ensure shoppers do not park in the residential roads
- Restrictions on Tesco signage (especially illuminated)
- Firm commitment that 7 tonne weight restrictions on all ladder roads (excluding Salisbury, as it is a bus route) will be implemented
- 20mph limits on all ladder roads (including Salisbury?)
- Investigation into 20mph limit on Butt Road between Drury/Layer junction and Goojerat junction
- Safety railings on blind bend on Butt Road, opposite Goojerate junction, to protect the children

- No fast food permitted (litter, noise, gathering of late night returning revellers, etc.)
- No licensed premises - as above
- No online deliveries from the site (lots of small vans rushing up and down the ladder roads all hours)
- Car Park locked at night (again to prevent late night revellers (is this possible with residents parking in the same car park?))
- Trolleys - magnetised anti-theft devices (devices to stop trolleys being removed from site)
- Absolute ban on expansion of the sales area of all buildings in the development
- Absolute ban on a petrol station being added at a later stage

### **Members of the Planning Committee,**

#### **Thank you for your consideration**

On behalf of the many ('000s) residents and local businesses who have objected to this Application, through the Planning website, in the previous and current petitions in local stores, and who turned up to the last Planning Meeting, thank you for your time and consideration.”

#### 7.2 120848 - Stanway Railway Depot, Halstead Road, Stanway

1) A further objection has been received from the Stanway Environmental Action Group (SEAG). This made the following points:

- (i) The site’s status as a wildlife site has not been properly considered.  
No-one at Colchester Borough Council is qualified to deal with the biodiversity issues;

RESPONSE: The site has been allocated for housing in the Local Development Framework process, despite the fact that it is a Local Wildlife Site. Our Coast and Countryside Planner (in the Spatial Policy team) has a Postgraduate Diploma in Countryside Management and worked for Essex County Council’s Environmental Services Directorate in the Landscape and Ecology team for 14 years.

- (ii) The issue of newts has not been properly dealt with;

RESPONSE: Our Coast and Countryside Planner is has studied the submitted documents and has proposed a condition requesting a post construction long term

management strategy for the Great Crested Newt Habitats.

- (iii) Slow worms were not included in the report;

RESPONSE: Our Coast and Countryside Planner has replied: '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.'

- (iv) No mention of asbestos;

RESPONSE: Our Contaminated Land Officer has considered this matter, and responded as follows:

"based on the information provided, it would appear that the site could be made suitable for the proposed use, with appropriate remediation."

Condition 03 includes the following:

"Prior to the commencement of development, an investigation and risk assessment.....must be completed 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."

- (v) No 24 noise survey has been provided;

RESPONSE: The response from our Environmental Control team asks for a 24 hour noise survey so that noise sources can be assessed and requests that "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" then adding "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. building on the site and shall be maintained as agreed thereafter."

The survey has not yet been provided, and the relevant condition (09) needs to be slightly re-worded so that the words “The application shall include the submission of....(the survey)” are replaced with words to the effect of “prior to the commencement of development” etc.

- (vi) Lack of information about cycle-ways;  
RESPONSE: The submitted drawings clearly show where the cycleway is to be positioned. The Highway Authority has made it a pre-requisite that the following should be provided:

- 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.

- (vii) Discrediting of the claimed number of vehicles;

RESPONSE: Neither the Highways Agency nor the Highway Authority have issues with the submitted information.

- (viii) 19 per cent of gardens are hugely under-sized;

RESPONSE: This is covered in detail in the Committee report, and further below in this amendment sheet. It is worth repeating the fact that only FOUR units are adjudged to have garden sizes which are noticeably deficient, most of the others quoted having just a few square metres under.

- (ix) An EIA has not been provided and Colchester Borough Council has not justified its reason not to ask for one;

RESPONSE: A Screening Opinion was requested in November 2010 and was submitted by the applicants in December 2011. A response was given which concluded:

*“The proposals have been assessed in accordance with Regulation 7(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). In the opinion of the Local Planning Authority, the development falls within the description of development given in Schedule 2, paragraph 10(b) of the Regulations.*

*However, having taken into account the indicative thresholds and the selection criteria in Schedule 3 of the Regulations, the proposed development, namely the erection of approximately 128 dwellings (with possible amendment at the time of application) and a notional 288 car parking spaces, would not, in the opinion of the Local*

*Planning Authority, have a significant impact on the environment by virtue of its size, character or location or give rise to a level of activity that would be incompatible with the amenities of the locality.*

*An Environmental Statement is not, therefore, required to accompany the Planning application.”*

By way of explanation, this response was given because although this is Schedule 2 (i.e. major infrastructure – as described in paragraph 10(b) of the regulations, and because it is over 5ha, as fewer than 1,000 dwellings are proposed then not the proposal is not likely to require an EIA.

As Halstead Rd is already heavily built up on the other side, and is used as a through-route (albeit less trafficked than the London Rd or A12), the major impact – car movement – would appear to be proportionately small.

The objectors subsequently enquired in January of this year as to why an EIA was not required. A full explanation was then provided to them.

- (x) Impact on the bat population has not been considered.

RESPONSE: Surveys were completed for bats including potential bat roosting sites. Our Coast and Countryside Planner has concluded:

*“The EIA and 10 Year Management Plan proposes a precautionary approach towards the protection of bat roosts/bats in both the area proposed for development and the woodland to the north. The need for a pre construction survey of trees that have the potential to be used as roosts by bats by a qualified and experienced ecologist prior to felling is supported as is the proposed erection of 30 bats boxes as mitigation in the land to the north of the railway line. The proposed Construction Phase mitigation and long-term monitoring measures put forward for Bats is OK.”*

- 2) Four further objections have been received since the writing of the Committee report. These re-iterate concerns over the principle of the development, the loss of a green space, of trees and habitat, and also cited problems of extra traffic and a risk of flooding.
- 3) The Essex Wildlife Trust (EWT) has advised that its view of “long-term” management could be for a period of ten years. EWT has also re-iterated its view, on 7<sup>th</sup> December 2012: “We are opposed to any development which would result in adverse impacts on a Local Wildlife Site. However, if the council is minded to approve this application, we are prepared to accept

your decision subject to the condition and s.106 Heads of Terms as previously discussed.”

4) Our Arboricultural Officer has commented, and the following excerpts represent the sense of these comments:

- The position and use of gabions and what that entails has been clarified.
- Construction (of roads, footpaths and driveways) will be undertaken using reduced dig methods to ensure that the root structure is maintained as fully as possible.
- Anti-erosion methods will be required to stabilise the embankment in other areas. What these are has not yet been confirmed or fully discussed but there appears to be a range of possible options
- Subject to some additional tweaks at the south eastern part of the cycleway/footpath (near Iron Latch Lane) that may impact large trees that must be retained then this (cycleway/footway) appears acceptable.
- A full Arboricultural Method Statement is required – to demonstrate no negative effect on principle trees.
- A full schedule of implementation and monitoring needs to be submitted as part of the arboricultural method statement.

*“In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.”*

The added conditions should read as follow:

Prior to the commencement of development, the applicant shall submit details of reduced dig methods for roads, driveways and footpaths which shall be agreed in writing by the Local Planning Authority. All subsequent works shall comply with these measures.

Reason: To ensure that the root structure is maintained as fully as possible.

Prior to the commencement of development, the applicant shall submit details of anti-erosion measures, which shall be agreed in writing by the Local Planning Authority. All subsequent works shall comply with these measures.

Reason: In order to stabilise the embankment and protect the nearby trees.

Prior to the commencement of development, the applicant shall submit additional details of the south eastern part of the cycleway/footpath (near Iron Latch Lane), which shall be agreed in writing by the Local Planning Authority. All subsequent works shall comply with these measures.

Reason: In the interests of the long-term amenity of protected trees.

Prior to the commencement of development, the applicant shall submit a full Arboricultural Method Statement, drawn up by an arboricultural consultant, whose conclusions and recommendations must be agreed in writing by Colchester Borough Council's Arboricultural Officer. Such recommendations must be implemented at all times prior to, during and after development.

Reason: In order to demonstrate no detrimental effect to principal trees and to ensure their protection during proposed development and detail any specialist construction techniques and post construction works required in the interests of the long-term amenity of the protected trees on site.

As part of the Arboricultural Method Statement, the applicants shall submit A full schedule of implementation and monitoring which shall include the following:

- Confirmation that the setting out and maintenance of tree protection will be regularly monitored by the relevant qualified professional, i.e. the Arboricultural Consultant.
- Inclusion of full contact information (e.g. the developer) for inspecting arboricultural consultants and a site specific inspection programme
- Confirmation that a pre-commencement site meeting between all relevant parties including the, arboricultural consultant, site manager, tree surgeon, and engineer to clarify responsibilities will take place prior to works starting.
- Confirmation that appropriate protective fencing is in place before any works commence on site (including soil stripping and demolition) in accordance with BS 5837:2012 . Any subsequent reports should confirm all landscape & tree protection is still accordance with these recommendations.
- Agreement to notify the Council of development start date
- Agreement of a timetable monitoring of tree feature protection by the relevant professional (arboricultural consultant), which will also include monthly monitoring of the protective fencing at the site.
- Notification of the Council through written report of any arboricultural issues/compromises that occur during development and that the fencing remains intact at monthly visits.
- Agreement of areas of no-dig construction and/or decompaction treatment will be signed off by the inspecting professional as implemented in accordance with agreed methodology and the Council's Planning and Arboricultural Officers accordingly notified on completion of any such works (on completion of site or by phase).

Such details shall be in force at all times in accordance with BS 5837:2012 recommendations

Reason: In the interests of the long-term amenity of protected trees.

- 5) The section on conditions and s.106 heads of terms requires alteration as follows:  
*The following items are to be removed from condition 25 and placed within the s.106.*
- (i) S.106 "Cycleway link to Dale Close"
  - (ii) A minimum 2 metre wide footway along the southern side of Halstead Road between Dale Close and Cornflower Close
  - (iii) Dropped kerbs and tactile paving in Dale Close, Cornflower Close and Tudor Rose Close at their junction with Halstead Road (these items to be removed from condition 25).
  - (iv) Tactile paving at the existing 4no. dropped kerbs on the northern and southern side of Halstead Road at its junction with Iron Latch Lane
  - (v) 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
- 6) In the garden size section, in relation to plot 4, the deficiency should have been expressed as 40m<sup>2</sup> rather than 60m<sup>2</sup>.

In addition to this, plots 16, 23, 39, 96 and 102 are actually flats, therefore the garden space requirement is only 25m<sup>2</sup> and all are in compliance with, or in excess of, the required amount.

This leaves plots 4, 32, 47 and 75 which are notably deficient due to general site constraints.

- 7) The applicants have provided 2011/2012 ecological survey data and an update re the Ecological Migration Plan (EMP) as follow:

#### **Development Site 2011 & 2012**

##### **GCN population surveys**

6 x surveys undertaken between April and May 2011. Lagoon was dry on 6<sup>th</sup> survey and nearly dry on survey 5.

Survey 5 on 5/6<sup>th</sup> May 2011 had a peak count of 76 and was easy to survey due to shrinkage of lagoon. All GCNs and smooth newts were concentrated and competing for egg laying material. GCNs were NOT in optimum habitat due to size of lagoon in relation to count. Eggs were seen shrivelled up on plants that were above water line due to NZ pigmyweed. Conclude that ageing population of GCNs present and not sustainable habitat to maintain the conservation status.

2 x surveys in May 2012

Lagoon totally flooded and unable to survey safely or effectively.



### **Reptile surveys 2011**

Updated in 2011 during April – June. 6 visits undertaken and no reptiles found. Mixture of roof felt and tins.

### **Update walk-over survey**

Survey undertaken in **Spring 2011 & Spring /Summer 2012** to note any changes in results of previous surveys. Badger surveys updated due to fresh diggings but no active setts identified. Noted that the NZ pigmyweed had spread in width and depth. We arranged visit to site with NZ pigmyweed eradication specialist – Foamstream.

Meetings on site with LPA (Coast and Countryside Planner), Natural England in 2011 and Wildlife Trust in 2012 to discuss mitigation measures.

### **Receptor Site 2011 & 2012**

#### **GCN presence/absence 2012**

4 x surveys undertaken April –June 2012.

Only smooth newts noted. However entire site was pretty flooded and completely turbid. Not a good year for surveys or results.

#### **Reptile survey 2012**

Started the same time GCN surveys undertaken. Mats continually stolen and moved.

#### **Update walk-over survey**

Undertaken in 2011 and 2012. No notable changes other than increased recreational use by cyclists.

No updated bat surveys were undertaken due to retention of all potential roosting sites in the mature trees around the fringes of the site.

#### **EMP 2011 onwards**

Working document to be developed with the WT and sent to you for approval (LPA). It will include management and monitoring of the existing habitats and new habitats in the development site and management and monitoring of the receptor site. This will include all notable protected species including bats, birds, reptiles, GCNs, other amphibians, hedgehogs etc. This will be covered for 10 years and in this time a secure, long term management plan should be developed and implemented. This will be sent to the LPA for approval. This will ensure that the management of the receptor site is maintained long-term.

GCN will be subject to NE granting licence. To achieve this detailed method statement is produced which documents the management and monitoring scheme. This can also be sent to LPA.

- 8) A further objection was received this morning, this raised concerns over traffic and asked for improvements to bus services, for improved Internet connection to the Dale Close area and for better street lighting amongst other things.

RESPONSE: With the exception of the street lighting, which would have to be overseen by the Highway Authority, these matters cannot be dealt with under this application. It is hoped that residential travel packs will encourage bus use, which will lead to more demand-led provision of buses. The matter of broadband etc, is for the provider to consider.

### 7.3 & 7.4 - 121902 & 121905 - 152 High Street, Colchester

Since the report was written 2 letters of objections and a letter from Fenwick have been received. These are attached in full overleaf.

In addition, the conditions to these applications need some minor amendments to address some issues that have been highlighted by post-report scrutiny of their wording.

On 121902:

Condition 6 should more appropriately refer to the bronze “finials” as being “bronze architectural ornament” as finials is the wrong term architecturally.

Condition 8 has the wrong reason repeated from condition 6. The correct reason for applying condition 8 would be “to ensure that the modern architectural approach is realised to its fullest potential through crisp, clean joins between the High Street and the building as this style of architecture requires a good attention to detail in order to achieve greater quality within the Town Centre Conservation Area 1.

Conditions 11 and 12 require reference to the relevant standards and it is set out in the report that the building was conceived against the context of the 2008 BREEAM standards and this should be reflected in the condition wording.

Condition 15, 16 and 17 also need to be re-worded to allow some greater flexibility as Environmental Health have indicated that they are prepared to discuss flexibilities around their hour restrictions post-approval. There are also some inconsistencies between the hours that people can arrive, the deliveries and work commencing and the peak hour movement restrictions that need to be addressed. It is requested that the hours be determined in discussions prior to the formal issuing of a decision, but delegated to officers to agree after tonight’s committee, for officers to agree socially suitable but also workable hours of workers arriving, deliveries arriving, work commencing at the site each day etc. This would tidy up these conditions.

Condition 18 should have only one zone specified, which is zone 4 for the town centre. Reference to zones 1-3 should have been removed and will need to be deleted.

Condition 23, after "...151 High Street..." the word "has" should be changed to "shall have"

Condition 24 after "High Street to the south" (with a capital H amendment) the words "as shown on the attached plan CBC 1" should be included. A plan will then be drawn up to issue with the decision that shows the extent of the surfaces that are expected to be made good, a photo survey shall also be made of these prior to works commencing so that their pre-construction condition is known. The extent is the High Street in front of the site, including a buffer east and west, as well as the length of the access road that runs up to the north entrance and service area of W&G, alongside the multi-storey section of the Nunn's Road car park.

On application 121905:

Conditions 5, 6 and 7 have the same issues as condition 15, 16 and 17 of 121902 set out above and the same action is requested.

The 3 additional comments received since the report was written are overleaf:

# williams & griffin

A FENWICK STORE

10 December 2012

## Proposed Redevelopment of Williams & Griffin

As you are aware, Fenwick Ltd. is bringing forward proposals for the redevelopment of Williams & Griffin on Colchester High Street. This is a project which we are committed to and believe will have a transformative effect on the High Street.

Colchester Town Centre is currently ranked 44 in the regional hierarchy of UK Shopping Centres. However, consumers are changing their shopping patterns, responding to the convenience of out of Town Retail Parks and the ease of shopping on-line which is proving to be pivotal for a number of town centres across the country

Fenwick Ltd. acquired Williams & Griffin from the Ireland Family in 2008, as our flagship in the South East and we are prepared to spend £40M in developing this iconic store in the belief that it will provide the catalyst for the regeneration of the High Street. The new Williams & Griffin store will be 50% larger with ease of navigation across all floors allowing for the introduction of a number of prestigious brands that are not currently available in Colchester. For an investment on such a scale, Williams & Griffin requires a commensurate presence on the High Street and to that end we have spent over a year working with the Council developing a scheme that both respects and compliments the heritage of the site and the High Street as a whole.

Fenwick is proposing to restore two buildings of Tudor and Victorian origin whilst replacing the elevations of two 20<sup>th</sup> Century buildings with a contemporary façade integral to the success of the scheme. This approach to redevelopment in a conservation area is supported by the Government's recently adopted National Planning Policy Framework whose aim is to promote a "presumption in favour of sustainable development for investment in town centres".

Throughout the planning process we have received strong support from the local community and stakeholders. The passion for both the Store and the High Street has been very clear and the positive discussions we have had with a range of people across the community has been encouraging. As highlighted in the Officers Report accompanying the Planning Application the investment and regeneration proposals have been warmly welcomed by the vast majority of people, with strong support for the palette of high quality materials, such as Bronze and Portland Stone.

As with many town centres in the UK large capital investment is required to maintain their vibrancy and strength and Fenwick Ltd. is committed to this substantial investment, bringing with it employment and security which will play a central role for securing the long-term future of Colchester High Street.

We look forward to working with the Council and the local community as the development moves forward.

Yours Sincerely

Hugo Fenwick  
Group Trading Director

Dear Sir

**Planning Application No 121902**

I fully support the application to update and expand William and Griffins store in Colchester High Street but I have serious concerns about the design of the proposed facade.

Its modernist style is quite unsympathetic to the surrounding buildings. If it was to be built to this design it would cause considerable to the existing street scene

Colchester High Street has already had one design disaster with the construction of Greytown House (the name says it all!), 138 High Street (adjacent to the Town Hall), which replaced The Three Cups Hotel demolished in the 1960's

Please ask the applicants to come back with a better design for the facade

Yours faithfully

Jonathan Pearsall

Address and telephone number omitted  
from the amendment sheet

Dear Mr Tyrrell

**Williams and Griffin Ltd 152 high Street Colchester Application 121905**

Please ensure this letter is made available to the members of the planning committee before they discuss the application on Thursday evening this week. I ask that the application as it stands is refused by the planning committee, as in my professional opinion, the scale of the proposed elevations, the loss of existing buildings, and the choice of materials and detailing detrimentally alter the character of the conservation area in which the building is a significant proportion. In addition the distant views from the north have not been adequately considered in my opinion in this proposal.

The English Heritage Historic Areas Advisor, Michael Munt's letter of 16 November provides in my opinion excellent advice to you and members of the planning committee on this application. So rather than repeat those comments in slightly different wording I simply confirm I support all the arguments put forward in that letter which lead to the conclusion that the application in its current form should be refused. This enables me to write a briefer letter addressing additional concerns and reinforcing key points.

The Colchester Borough Council will natural be very pleased, and indeed so am I, at the proposal to expand this store in the heart of the town as it will generate work, income for the Town and encourage others to remain or set up other retail units in the town centre.

Colchester prides and advertises itself as an historic town, in order to attract a major source of income from tourists, alongside the retail trade. If approved

the proposed elevations of this building, which is in the hearts of many locals as Colchester's very own department store, will set a tone for future developments. My fear is, if this store can turn its back on the historic aspects which make up the scale and quality of the Colchester's conservation area, then it may be difficult to control future developments. Colchester may quickly lose that attractive market town appearance which so many want to visit. The conservation area status that is the pride of the town will be lost.

In my opinion, and from personal knowledge, Fenwicks and their architects have produced buildings which suit local conservation areas and have indeed enhanced them. I do so hope they will be persuaded to do so in Colchester.

The distant views of Colchester from the north are also critical to the town, with visitors approaching from the A12 and the Railway. The rear of the high street raised up as it is, is not back land development, but the front elevation of the town. We all regret still the building, then with Crown Exemption, of the telephone exchange. I urge the members of the council to ensure the distant views of this store are not in effect a distant poor quality advertising board for this historic town, turning away the tourist and retail customers alike.

Please do not grant this application in its present form, but encourage this important store to work with you to integrate it architecturally into the town for mutual benefit.

Yours Sincerely

John Burton, Dip. Arch., RIBA, IHBC, AABC  
Surveyor of the Fabric of Canterbury Cathedral  
Surveyor Emeritus of Westminster Abbey

**Agenda Item 8** - Appeal procedure relating to grants - Land from Wormingford to Abberton including Abberton Reservoir, Peldon Road, Abberton

Delete in paragraph 4.1 (£75,00 paid annually for 10 years)

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

**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**