

# Planning Committee Meeting

**Council Chamber, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Thursday, 14 July 2016 at 18:00**

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

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

## Information for Members of the Public

### Access to information and meetings

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

### Have Your Say!

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## Material Planning Considerations

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

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

## **Planning Obligations**

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

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

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

## **Human Rights, Community Safety and Equality and Diversity Implications**

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

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

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



## Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



## **Colchester Borough Council Development Management**

### **Highway Safety Issues**

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

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

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

### **Parking Standards**

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

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

For residential schemes:

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

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



## **Colchester Borough Council Environmental Control**

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

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

#### **Best Practice for Construction Sites**

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

##### **Noise Control**

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

##### **Emission Control**

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

## **Best Practice for Demolition Sites**

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

### **Noise Control**

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

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

### **Emission Control**

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

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

## **Class A1. Shops**

Use for all or any of the following purposes—

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

## **Class A2. Financial and professional services**

Use for the provision of —

- (a) financial services, or
  - (b) professional services (other than health or medical services), or
  - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

## **Class A3. Restaurants and cafes**

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

## **Class A4. Drinking establishments**

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

## **Class A5. Hot food takeaways**

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

## **Class B1. Business**

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
  - (b) for research and development of products or processes, or
  - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

## **Class B2. General industrial**

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

## **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

**Class C1. Hotels**

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

**Class C2. Residential institutions**

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**

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

**Class C3. Dwellinghouses**

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

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

**Class C4. Houses in multiple occupation**

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

**Class D1. Non-residential institutions**

Any use not including a residential use —

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

**Class D2. Assembly and leisure**

Use as —

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

### **Sui Generis Uses**

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

### ***Interpretation of Class C3***

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

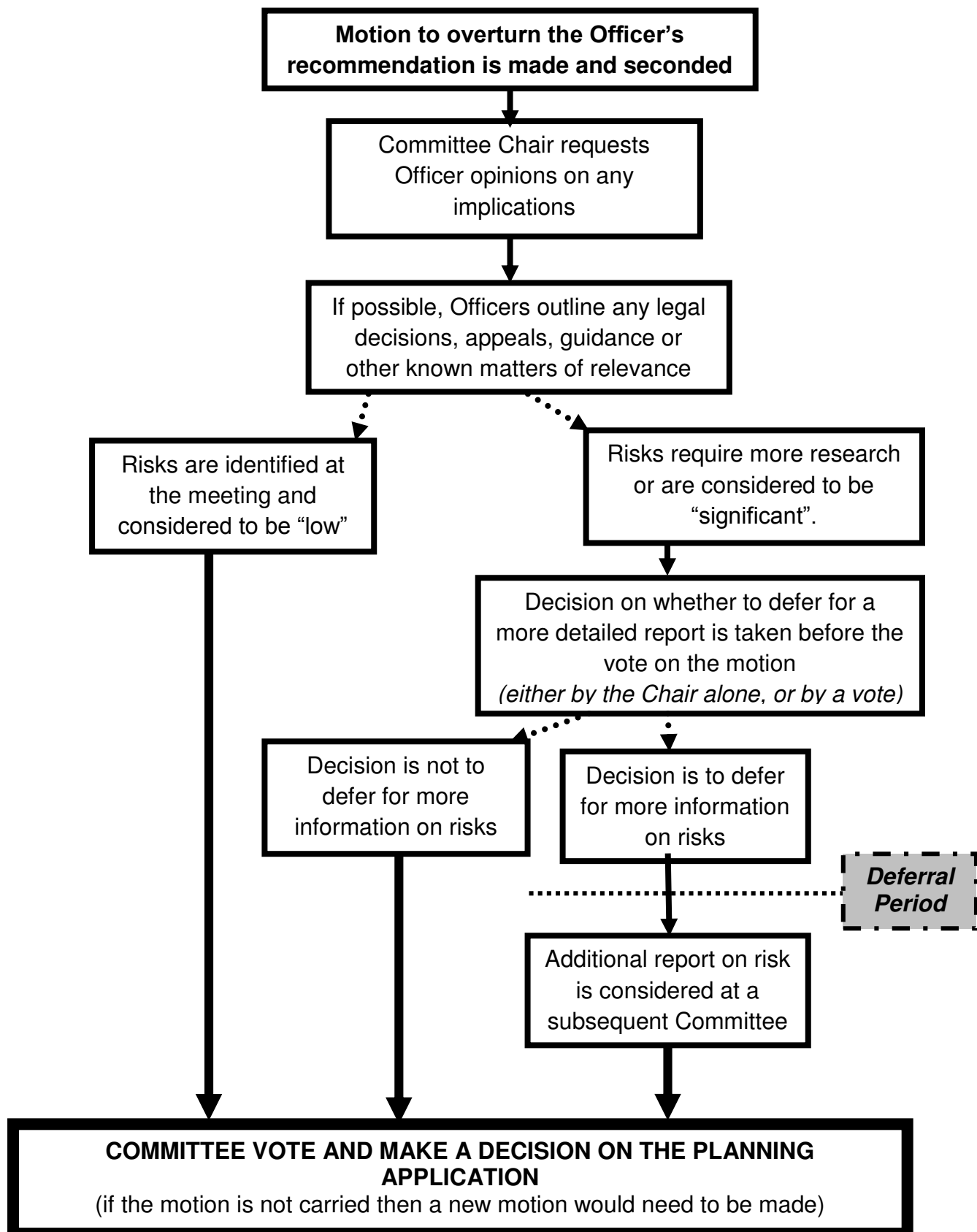
### ***Interpretation of Class C4***

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

## Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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





**COLCHESTER BOROUGH COUNCIL**  
**Planning Committee**  
**Thursday, 14 July 2016 at 18:00**

**Member:**

Councillor Theresa Higgins  
Councillor Cyril Liddy  
Councillor Lyn Barton  
Councillor Helen Chuah  
Councillor Pauline Hazell  
Councillor Brian Jarvis  
Councillor Derek Loveland  
Councillor Jackie Maclean  
Councillor Philip Oxford  
Councillor Rosalind Scott

Chairman  
Deputy Chairman

**Substitutes:**

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

Councillors Christopher Arnold, Tina Bourne, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dominic Graham, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

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

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

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

**1 Welcome and Announcements**

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
  - action in the event of an emergency;
  - mobile phones switched to silent;

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

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

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

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

## 3 **Substitutions**

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

## 4 **Urgent Items**

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

## 5 **Declarations of Interest**

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest,

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

## 6 Minutes

There are no minutes for confirmation at this meeting.

## 7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

### 7.1 143715 B and Q Warehouse, Lightship Way, Colchester 17 - 122

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

### 7.2 160920 248 Mill Road, Colchester 123 - 132

Demolition of existing house, garage and outbuilding, erection of two semi-detached and one detached two storey house.

### 7.3 161291 Sheepen Road, Colchester 133 - 138

Printed site hoarding.

### 7.4 160969 78 Villa Road, Stanway, CO3 0RN 139 - 148

Proposed demolition of existing bungalow and replacement with new 3 bedroom dwelling.

### 7.5 161159 12 Hobbs Drive, Boxted, Colchester 149 - 156

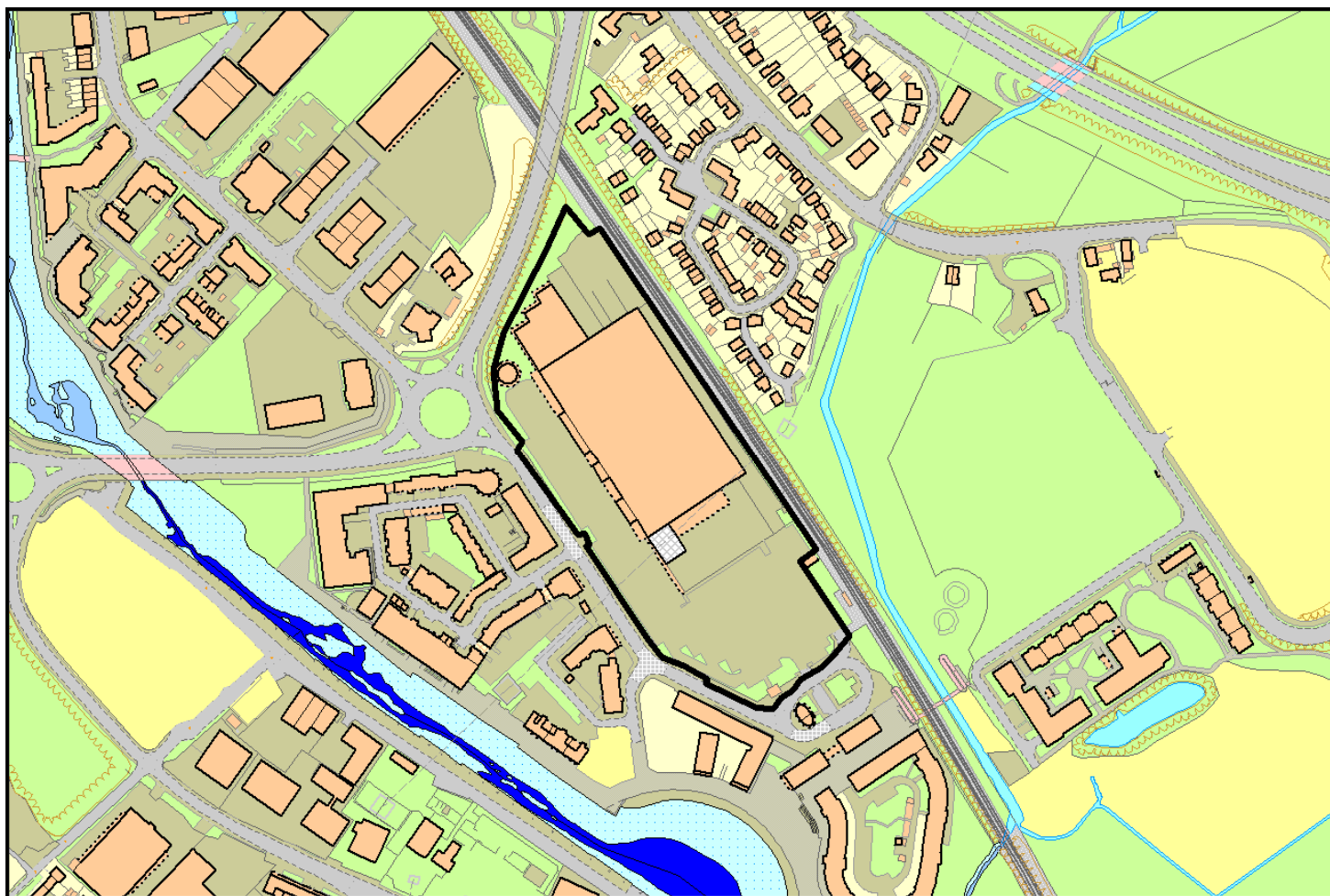
Single storey front extension.

## 8 Exclusion of the Public (not Scrutiny or Executive)

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

## Part B

(not open to the public including the press)



**Application No:** 143715

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

**Scale (approx):** 1:2500

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **14<sup>th</sup> July 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

## 7.1 Case Officer: Simon Cairns

**MAJOR**

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

**Application No:** 143715

**Date Received:** 4 April 2014

**Agent:** Inidgo Planning

**Applicant:** Sainsburys C/O Agent

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

**Ward:** St Andrews

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

## 1.0 Reason for Referral to the Planning Committee

- 1.1 This application was previously considered at the meeting of the 4 February 2016 when it was resolved to grant permission subject to an agreement under s.106 of the Act. The application is now referred back to the Planning Committee and changes to the original report are set out in bold text. The report seeks revisions to the heads of terms of the s.106 agreement following representations from the applicants. In essence, this entails removing a proposed contribution towards upgrading the pedestrian rail bridge for shared cycle use at the south east end of Lightship Way. This currently provides

**pedestrian access to the university. This contribution is not considered to comply with the relevant tests under the Community Infrastructure Levy Regulations ('the CIL tests'). The applicants have agreed to increase their contribution to extend the bus service from £50k to £91K and the costs of the highway improvements proposed to Greenstead roundabout under s.278 of the Highways Act have increased to £863k.**

## **2.0 Synopsis**

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

## **3.0 Site Description and Context**

- 3.1 This application relates to the existing B & Q DIY superstore in east Colchester situated between the Hythe and Greenstead. The existing store has been trading since 2001 and is prominently located on the north side of Lightship Way, an unadopted highway (cul-de-sac) immediately to the north east of the roundabout junction of Lightship Way with Hawkins Road and Colne Causeway. The application site covers an area of 3.469 Hectares. The existing store is a substantial building of rectangular plan set within an extensive area of associated private forecourt parking to the south and east of the building accessed from the eastern end of the 'no through' road. On the east flank of the existing store is a garden centre facility whilst to the west side is an external builder's yard area with a service yard area set to the rear. The service yard is accessed via a driveway running across the northern flank of the store and garden centre areas. To the north of the store is a railway line that links the Town Station to Wivenhoe via the Hythe Station. The rail line provides separation of the store from the residential area to the north. To the immediate south of the store is a predominantly residential area. This comprises blocks of flats with limited retail uses on the frontage to Lightship Way. The eastern end of Lightship Way closest to the railway bridge that links the area to the University of Essex campus to the north east of the Salary Brook is predominantly in use as student accommodation. This area of residential development and student accommodation addresses the north bank of the River Colne that in turn creates a barrier to pedestrian and cycle movements from the wider hinterland to the application site. This barrier effect necessitates the use of the busy Colne Causeway distributor road by pedestrians and cyclists. It provides the sole connection between Greenstead roundabout in the north to the Hythe roundabout to the south west with the new landmark student 'Maltings' development set on the south east quadrant via the single bridge over the River Colne. In terms of vehicular and pedestrian/cyclist connectivity, Colne Causeway carries heavy traffic (including significant numbers of HGV's) and whilst it has a segregated shared use cycle lane (on the footway of the east side of the road) this does not extend into Lightship Way

nor are there any dedicated crossing points (Toucan etc.). The roundabout at the junction of Lightship Way with Colne Causeway provides direct access to Hythe Station via Hawkins Road on the opposite limb of the roundabout, approximately 300 m distant. The lack of formal pedestrian/cyclist crossing points on Colne Causeway has the effect that no provision is made for east-west or north-south movements at the busy roundabout that lies immediately adjacent to the south west corner of the application site. A single pedestrian access point presently provides direct access to the store from the north side of Lightship Way opposite the junction with Quayside Drive, a narrow residential close serving several blocks of flats. The existing store is served by a single public bus service on Lightship Way (61/61A/) with a 20 minute service frequency on Monday-Saturday and a 30 minute frequency on Sundays. The closest bust stop to the site is located at the south east end of Lightship Way adjacent to the student accommodation.

#### **4.0 Description of the Proposal**

- 4.1 The proposal seeks to remove the restriction imposed on the range of goods that may be sold from the premises. (outline planning permission ref: COL/98/1047 – condition 6) that states: “The retail development...comprising a DIY store, garden centre and builders yard....shall be used only for the sale of DIY goods or related products and materials, as may be agreed by the local planning authority and for no other purpose including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987,,.”
- 4.2 The proposal thus seeks to remove this restriction in order to use the premises as a supermarket providing 15,787 sqm (120,115 sqft) gross external floor area. This would provide 7,197 sqm (73,529 sq ft) net retail floor area split between convenience (groceries) and comparison (homeware) goods. It is anticipated that the proposed Sainsbury operation would employ c.450 people (full and part-time) with an anticipated 10 further jobs in the two proposed concessions. Some 458 parking spaces are proposed (including 30 disabled and 30 parent and child dedicated spaces, 5 staff spaces) with covered cycle parking for 50 customer and 30 staff bicycles. The proposal would remove the existing builders yard and garden centre facilities and extend the parking area to occupy the area formerly occupied by the garden centre with a revised parking layout and circulation. The proposed service yard would remain in the same location (north west corner adjoining the rail line) with the same access arrangements as existing. A Sainsbury’s in-store café is proposed on a mezzanine level above the south east corner of the store with a proposed healthcare concession (in front of the service yard) and second small unspecified concession (adjoining the store entrance) with a total floor area of 337 sqm. Within the enclosed service area, a Home Delivery (Goods On-Line) facility and staff area is proposed. Within the store the usual range of goods/services are proposed including a ‘click and collect’ facility and externally cash points (ATM) are proposed within the south, principal elevation.
- 4.3 The proposals provide for the external rebranding and refurbishment of the existing store, including removal of the existing brise-soleil and canopy from the store frontage and the addition of a solid roofed canopy extending over the pick-up area on the south east corner of the store. On the store frontage a new glazed link is proposed between the entrance lobbies to match the adjacent glazed frontage areas. Any inevitable changes in signage would be subject to a subsequent application although indicative signage is shown that reflects the type of signage normally associated with Sainsbury’s stores. The scheme proposes to remove all of the existing trees within the



parking areas but the Plane trees inside the boundary walling would be retained. Replacement of the trees within the parking area is proposed by a smaller number of more mature trees.

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

## **5.0 Land Use Allocation**

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

## **6.0 Relevant Planning History**

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

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 The key paragraphs in the NPPF concerning the vitality of Town Centres and retail impact are as follows:

### **Employment sites:**

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

### **Town centre uses and the sequential test:**

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and

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

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

### **Promoting Sustainable Transport:**

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

34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

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

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

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

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

SD1 - Sustainable Development Locations (revised July 2014)  
SD2 - Delivering Facilities and Infrastructure (revised July 2014)  
CE1 - Centres and Employment Classification and Hierarchy identifies Greenstead Road as an Urban District Centre  
CE2 - Mixed Use Centres  
CE2a - Town Centre  
CE2b - District Centres  
CE3 - Employment Zones  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity  
DP2 Health Assessments  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP5 Appropriate Employment Uses and Protection of Employment Land  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage

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

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

SA EC1 Residential development in East Colchester

SA EC2 Development in East Colchester

SA EC7 University of Essex Expansion

SA EC8 Transportation in East Colchester

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

Vehicle Parking Standards

Sustainable Construction

The Essex Design Guide

External Materials in New Developments

Cycling Delivery Strategy

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

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

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

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

## 8.0 Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Retail Assessments**

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

**Sequential approach:** The applicant appeared to concede in its assessments that a large food store could physically be accommodated on either the Vineyard Gate or

Cowdray Centre sites. NLP did not consider that based on the evidence provided by the applicant, these two sites had been adequately discounted on viability and/or suitability grounds. NLP advised that the Council should consider the suitability of a large food superstore of the size proposed by Sainsbury's on both sites.

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

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

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

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

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

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

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

**Impact assessment:** - NLP accepted the conclusion that the proposed Sainsbury's would not have a significant impact on the Town Centre or on the Urban District Centre at Greenstead Road (although it would have a significant 28.1% trade diversion effect to 2017). Tesco, represented by Martin Robeson, submitted an objection to the Sainsbury's proposal on the basis that it would have a negative impact on the existing Greenstead Urban District Centre. The objection, however, is not accepted on the basis that the Greenstead Urban District Centre is formed of only one store. The proposal is not considered to be likely to result in the closure of the Tesco's. Accordingly, no harm to the Centre can be upheld. Significant trade diversion does not necessarily equate to a significant adverse impact in terms of the NPPF tests. This will depend on specific circumstances. In this case there will be no impact on local consumer choice or a dilution in Tesco's offer/role. The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.

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

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

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

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

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



## 8.5 Transport Policy Manager: Transportation Policy Comments

### 1. Introduction

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

### 2. Policy TA1 – Accessibility and Changing Travel Behaviour

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

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

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

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

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

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

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

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

### 3. Policy TA2 – Walking and Cycling

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

- Direct
- Traffic free
- Quality routes
- Continuous

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

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

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

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

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

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

- Direct
- Traffic free
- Quality routes

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

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

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

## **Conclusion**

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

## **4. Policy TA3 – Public Transport**

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

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

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

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

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

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

### ***Current Service level and frequency***

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

### ***Weekday and Saturday Service***

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

### ***Sunday Service***

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

### ***Conclusion***

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

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

### ***Access to Bus Stops and Queuing traffic***

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

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

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

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

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

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

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

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

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

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

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

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

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

## ***Conclusion***

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

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

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

### ***Car Park Design***

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

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

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

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

### ***Car Parking Standards***

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

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

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

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

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

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

### ***Car Park Design and Layout***

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

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

### ***Pick up and drop off at the Lightship Way entrance***

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

### ***Car Park Monitoring and Funding Proposal***

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

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

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

### ***Conclusion***

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

### ***Overall Conclusion***

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

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

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

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

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

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



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

#### **8.7 Economic Growth Manager: comments**

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

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

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

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

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

### **9.0 Parish Council Response**

9.1 N/A

### **10.0 Representations**

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

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

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

- it will serve the community hugely

- 10.3 **Sir Bob Russell** on behalf of a local resident queried what action is being taken to improve cycle and pedestrian access and links to the site. The provision of cycle parking is also queried.
- 10.4 **Colchester Cycling Campaign** (CCC) objects to the development on the grounds that it represents unsustainable development with increased car dependency and decreased attractiveness for walking and cycling with decreased air quality. The CCC asserts that Sainsbury's is not improving cycling or walking infrastructure. The group queries the number of jobs created (450) and questions the full time equivalent number of jobs. The CCC supports the objections submitted by the Bus Users Group. The following objections are raised:
- excessive traffic generation and congestion would result;
  - encourage greater car dependency;
  - queries actual job creation.
- If the Council are minded to approve requests that:
- A £4m contribution towards sustainable transport in Colchester is sought with emphasis on provision of infrastructure to support cyclists and pedestrians;
  - Modification of the railway pedestrian bridge to make cycleable;
  - Funding secured for air quality case study of particulates in East Colchester to assess impact of the store;
  - Preclude creation of mezzanine floor or out of town retail centre;
  - Restrict numbers of shoppers arriving by car.
- 10.5 **Colchester Bus Users Group** Secretary comments that the existing bus services are very limited (No.61) and there is not a bus stop in close proximity to the store. The group concludes that pedestrians would be forced to use an unpleasant car dominated environment. The resultant congestion would harm the punctuality of the bus services.
- 10.6 **Martin Robeson** consultants on behalf of Tesco plc has submitted 5 detailed representations in response to the cascade of retail evidence submitted by Indigo on behalf of Sainsbury's and the independent reviews produced by NLP on behalf of the Council. Martin Robeson has helpfully submitted the following as a summary of the issues raised:

#### "Retail Assessment"

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

#### Impact on Greenstead Road Urban District Centre

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

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

### Sequential Test

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

### Loss of Choice and Competition in the DIY Sector

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

### Loss of Designated Employment land

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

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

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

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

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

## 11.0 Parking Provision

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

## 12.0 Open Space Provisions

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

## 13.0 Air Quality

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

## 14.0 Development Team and Planning Obligations

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

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

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

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

### **Transportation Policy CBC:**

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

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

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

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

*We cannot agree to the £250K contribution on the basis that it is not Regulation 122 compliant. To do so would make the consent challengeable. **The omission of this contribution was previously agreed by committee on 4.02.16. This is no longer sought.***

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

Applicant's response: *We cannot see how this contribution is necessary to justify the development. Again, the County have already provided their recommendations and did not recommend this be provided. They clearly do not see this as being necessary to justify the development and nor do we. The point made above regarding the modal split argument is also of relevance here. We cannot agree to this contribution on the basis that it is not Regulation 122 compliant. To do so would make the consent challengeable. **This contribution was previously sought as part of the resolution to grant permission on 4.02.16. Further dialogue with the applicants and investigation into the likely project costs by the Transport Policy Manager has cast serious doubt upon the validity of a contribution of this magnitude. Legal representations submitted by Dentons solicitors on behalf of Sainsbury's are reproduced at **Appendix B**. These representations contend that the proposed contribution would not conform with the CIL tests nor Government advice in the NPPG. Given the significant likely budget to deliver these alterations to the bridge, it is considered unlikely that the required additional contributions would be forthcoming within a reasonable timescale. Whilst deliverability is not strictly a consideration, the necessity of providing a cycle link to the university is a moot point. Given the overall magnitude of cost associated with providing modifications to the bridge to render it suitable for cyclists this is arguably disproportionate and it is recommended that this obligation is now struck out from the recommendation. The Council has sought independent legal advice on this matter and this has reinforced this view.***

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

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

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

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

Applicant's response: *Sainsbury's will agree to provide a real time information panel in store but we request that this be secured via a planning condition rather than through a s106 obligation.* Update: **The provision of real time information in the proposed bus stop has now been agreed.**

#### **ECC Highways:**

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

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

Applicant's response: *Agreed*

Contribution direct from applicant to First Bus for existing route 61, which operates on Lightship Way to be extended on a 30 minute frequency from its current finish at around 19:30/20:00 to around 23:00 Monday to Saturday to coincide with store opening hours. Sunday services already cover anticipated opening hours. This would cost between £120 and £165 per day giving a total annual cost of £37,560 - £51,645. This funding should be provided for 3 years. **Now revised and increased to £91, 203**

Applicants response: *As the development is for a foodstore, the patronage will be in place from the day of opening unlike for example a residential development where occupation of the development would be gradual and phased and it would take time for the altered bus service to become established. As such, Sainsbury's will agree to provide this contribution for the first year only. This will be sufficient time to establish the amended bus service and for it to become self-sustaining.* **Update: A budget of £91,203 is now agreed towards the provision of an improved bus service.**

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

Applicants response: *Sainsbury's will not provide a bus shelter on the basis that real time information will be available in store where people can wait until just before the bus arrives. A bus shelter would therefore be unnecessary. There is a boundary wall which would prevent bus users from seeing the bus in any case if a shelter was provided. We request that this bus stop be secured by condition.* **Update: The applicants have since agreed to provide a bus shelter with real time information within the site and close to the Lightship Way frontage.**

### **Economic Development:**

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

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

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

- *Promoting the operator of the New Stores way of doing things while demonstrably taking an interest in participant progress;*
- *Guaranteeing to interview all those “passing” the course and completing the formal application; and*
- *Celebrating publicly the achievement of any course completers accepted by the operator of the New Store as new employees and to commit to working with the Local Employment Partnership partners, as appropriate, to maintain or enhance their skill achievement while in work.*

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

Applicant's response: *The proposal essentially seeks to replace a shop with a shop. This contribution is not necessary and cannot be justified. As such, Sainsbury's cannot agree to it.* **Update: Sainsbury's have agreed to provide two CCTV cameras on the Lightship Way frontage and link these to the Councils monitoring network.**

## Conclusion

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

## 15.0 Report

- 15.1 The key issues to be considered are listed below and are considered thematically in the report
- *Sequential test*
  - *Retail Impact upon centres*
  - *Impacts on Transport Network and mitigation*
  - *Connectivity issues and encouraging modal shift*
  - *Amenity and impact upon locality*



## 15.2 Retail planning considerations

### 15.3 Chronology of reports analysing retail impact and sequential considerations

The submitted application was accompanied by a Planning and Retail Statement dated March 2014 (Indigo Planning Limited). A series of reports analysing the retail considerations pertinent to the case were then submitted. These were prepared having regard to the detailed issues successively raised by planning consultants instructed by Tesco (Martin Robeson). A summary of these representations is provided by Martin Robeson at paragraph 10.5 above. The methodology for the initial retail report had been previously agreed by the Council with the applicants on the advice of the Council's retail consultants (NLP). The submitted report provides coverage of the following issues: Planning Policy Context; Sequential Test and Impact Assessment (planned and committed investment, town centre and trade diversion, convenience and comparison impact). The report was first reviewed by consultants Nathaniel Lichfield Planning (NLP) on behalf of the Council in May 2014 (Retail Critique 21 May 2014). Indigo Planning then produced a response to this report dated 12 June 2014. A further Addendum Report was produced by NLP for the Council in July 2014 (Retail Critique Addendum 2 July 2014). Indigo Planning submitted a response to this Addendum Report dated 18 August 2014. NLP then produced a Final Report for the Council concerning Retail Impact in November 2014 (27 November 2014). This report reviews all of the submitted evidence and draws conclusions having regard to national and local policy and relevant guidance. On behalf of the applicants, Indigo Planning produced a final response dated 16 December 2014 to the final retail Impact report produced by NLP (27.11.14). The final reports/ rebuttal statements submitted by Indigo Planning on behalf of the applicants and the final NLP report are reproduced at **Appendix A** to this report.

15.4 The policy considerations against which the retail impact related issues pertinent to the application should be assessed are set out in the NPPF at paragraphs 24, 26 and 27 (set out at paragraph 7.2) with further interpretation of these policies provided by the National Practice Guidance (NPG) under the heading "Ensuring the vitality of town centres" (refer to paragraphs 001-6 and 008-016). The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions as in this case.

15.5 The adopted local plan provides further policy context against which the proposals must be assessed within policies CE1, CE2a, CE2b and CE3. These policies establish a hierarchy of centres to "coordinate the use and scale of developments" and that "development will need to be consistent with the hierarchy and larger scale development should be focused on the Town centre." The site falls within the East Colchester Regeneration Area (policy UR1) which states that "new development in these areas will be encouraged within walking distance of centres and transit corridors". The application site is currently designated as an Employment Zone (policy CE3) and this policy states that "Retail developments will not normally be supported". However, in this instance the site is already in a restricted retail use within an existing large premises and the proposed relaxation of this restriction would result in an increase in the number of employees (to c.460). In these circumstances, it is not considered reasonable to seek a return to a less commercially desirable employment use within class B of the use classes order. There is also considered to be little

prospect of a return to employment uses in the event that B & Q vacate the premises. This site has effectively been lost to employment uses.

## **The Sequential Test**

- 15.6 The NPG advises that the sequential test should be considered before the impact test (see below) as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test then determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).
- 15.7 However, the NPG acknowledges that it may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. The NPG advises that this should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 26 of the National Planning Policy Framework.
- 15.8 The NPG explains that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. The NPG confirms that the framework supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
- 15.9 The hierarchy of centres and sequential approach is set out in the Core Strategy (Policies CE1 and CE2). Colchester town centre is at the top of the hierarchy, followed by three rural district centres and five urban district centres and then local centres. Policy CE2a indicates that the sequential priority for retail is the Town Centre Core, followed by Urban Gateways and the Town Centre Fringe. These policies were based on National Policy within PPS6. The policy approach regarding the definition of the hierarchy of centres and the application of the sequential approach remains largely unchanged within the NPPF. Policies CE1 and CE2 remain up-to-date on this point. In terms of the sequential test, the initial retail report submitted on behalf of the applicants acknowledged that a store could be physically accommodated at either the Vineyard Gate or Cowdray Centre sites. NLP confirmed that both sites needed to be considered as sequentially preferable to the application site. The Vineyard Gate site was rejected by the applicants primarily on the grounds that it was unavailable but could provide a solution to a replacement of their existing town centre store (Priory Walk) in due course. In the case of Vineyard Gate, the Council as landowner has commented that a foodstore of this size would not be compatible with the strategic vision for the site (see comments of the Economic Growth Manager at 8.7 above). It therefore seems reasonable to conclude that Vineyard Gate is not available for the purposes of this assessment.

- 15.10 The Cowdray Centre site was also rejected by the applicants on the grounds that a wholly retail solution would not conform with the mixed use solution intended by policy (para.5.33 of the Site Allocations DPD) and moreover that the site was unavailable at the current time as it did not have the benefit of planning permission and the delivery time required for a project of this type would effectively render it unavailable. Regarding this issue in their final report, NLP comment "Recent legal/Secretary of State decisions suggest these sites would need to be brought forward quickly to match Sainsbury's programme to deliver a store by 2017 on the application site. If this timetable is considered feasible, then the Council should liaise with the developer(s) to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use." NLP conclude that "More information is required regarding the suitability and likely timetable for delivery at the Cowdray Centre". The applicants response to this report in December 2014 was to reiterate that their proposal was at odds with the policy framework (Policy SA TC1 that seeks a mixed use rather than a retail solution. Furthermore, the applicants submit that the site is effectively unavailable since "The lack of any interest in developing this site for food retailing purposes and the improbability of achieving a scheme on this site which could accommodate the proposed floorspace within the next 12 months should be sufficient to exclude the site on the basis of availability. The Council should not delay other new development schemes on this basis. This approach conflicts entirely with the precedents set out in recent appeal decisions including the Dundee and Rushden Lakes decisions referenced in our earlier submissions." The recent planning application for a predominantly residential development (undetermined) also reinforces this view, namely that the Cowdray Centre is effectively unavailable as an alternative site.
- 15.11 Whilst the Cowdray Centre is a more sequentially preferable location being an edge of town centre location, it is accepted that the delivery of a consent for a large format store could be problematic in terms of the timescale to deliver such a project from scratch through the development process. NLP identify the fact that recent case law has defined the preconditions that must be satisfied in order for a site to be considered available. This includes the timescale for deliverability of the project sought on alternative sites. In this case, whilst the Cowdray Centre is technically available this does not necessarily equate to availability in the terms of the Sequential Test. In this case, timing associated with project development and delivery could be reasonably held to exclude the site as being available in the immediate term in line with the applicant's 2017 timeline but rather available in the medium term.
- 15.12 In December 2015, the applicants provided a further update on this issue in the light of the current outline application on the site of the former Ozalid print works for a predominantly residential development. It is considered that this application reinforces the view that the Cowdray Centre is not available for a retail scheme of this scale (notwithstanding the highway capacity objections that this would be likely to generate). On this basis, as there are no sequentially preferable locations identified that are available, the application site could be judged to pass the sequential test and falls to be considered in terms of the Impact test. However the NPG confirms "Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision."

## The Retail Impact Test

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

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

15.14 The NPG confirms that the purpose of the test is to ensure that the impact over time (up to five years (ten for major schemes)) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. The NPG states that as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities. Conditions may also be attached to appropriately control the impact of a particular use. The NPG advises that “A judgement as to whether the likely adverse impacts are *significant* can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.”

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

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

15.17 NLP’s retail impact assessment concludes that the proportional impact on food stores in Colchester ranges from -6% to -28%. The highest impact (-28%) will again fall on the Tesco store on Greenstead Road. NLP predict higher trade diversion from food stores in Colchester town centre than IPL, whilst IPL predicts higher trade diversion from Sainsbury’s in Stanway. The average impact on convenience goods facilities in Colchester town centre is -9.7%. Impact on the Priory Walk Sainsbury’s store is expected to be higher than this average (-13.4%), whilst impact on other convenience facilities is lower (-6.0%). This -6% impact will primarily be focused on the Marks &

Spencer, Iceland and Tesco Express stores within the town centre. However, the report concludes that is no evidence to suggest the Sainsbury's store will be forced to close and moreover that It is unlikely this reduction in convenience goods trade will lead to shop closures within the town centre.

- 15.18 In terms of comparison goods (non-food retail), the report concludes that projections suggest the comparison turnover of existing facilities within Colchester is estimated to decrease by -3.9% in 2017. However comparison good trade diversion will be offset by expenditure growth between 2014 and 2017, and would still leave sufficient expenditure growth to allow a 2% growth in turnover. The report also concludes that in "the short term the Sainsbury proposal is unlikely to lead to a decrease in the number of comparison shops within the town centre or delay or prevent the implementation of the Williams and Griffin department store improvements. However there will be less theoretical comparison goods expenditure capacity to support the reoccupation of vacant shop units within the town centre."
- 15.19 The NLP concluding report reviews the impact on the Tesco store at Greenstead Urban District Centre and concludes that "If the Sainsbury's store is implemented along with commitments then the Convenience turnover of the Tesco store will decrease from £44.79 million to 32.22 million in 2017, a cumulative impact of -28.1%." The report specifically addresses the claim made by Martin Robeson (MRPP) on behalf of Tesco that this equates to a "significant trade diversion" and that this translates to a "*significant adverse impact*" as set out in the NPPF. MRPP's claim (letter dated 12th September 2014 – see paragraph 10.5 above) that NLP has "*identified that impact on Greenstead Road UDC will be significant*" is inaccurate in the opinion of NLP. NLP consider that the reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods. NLP conclude that there is no significant adverse impact on Greenstead Road urban district centre. This is clearly disputed by Martin Robeson on behalf of Tesco plc.
- 15.20 In terms of the impact test required by the framework (paragraph 26 NPPF), it is concluded on the basis of extensive independent critical analysis and scrutiny by NLP on behalf of the Council, that the impact of the scheme would not be '*significant adverse*'. On this basis the NPG advises that "Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development." The Planning Policy Manager has also provided a detailed review of relevant policies and analysis in her representation at paragraph 8.4 above. The Policy Manager concludes in the light of the policy considerations and detailed evidence submitted that there are insufficient grounds to warrant refusal of the scheme on the basis of either the sequential test or adverse impact on other Colchester retail centres.

### **Loss of retail choice in DIY sector in Colchester**

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

planning application. Furthermore, the 'Screw-Fix' outlet on the Whitehall Industrial Estate nearby is part of the same retail group and offers an extensive range of DIY products in a different retail format. On this basis, it is not suggested that the closure of the existing DIY store could in itself form a reason for refusal as this is a commercial decision for B& Q as part of their national restructuring of their business.

## **Impacts on Transport Network and mitigation**

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

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

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

## **Connectivity issues and encouraging modal shift**

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

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

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

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

15.27 In the opinion of officers, the proposal goes part of the way to provide for sustainable transport e.g. cycle parking, extension of the cycle path into Lightship Way, walking and cycle route across the car park, extension of the bus service for one year, agreement with ECC to modify Greenstead Roundabout. However, there appears to be a lack of detailed appreciation of the needs of users (including employees working early/late shifts) of sustainable transport to make the user to feel safe. It is for this reason that the provision of CCTV is seen as fully justified. The applicant’s reliance upon the existing DIY store as a justification for non-provision of contributions towards mitigation fails to acknowledge the material difference between the restricted retail use

that exists currently and the proposed unrestricted superstore use that will attract quite different users and more pedestrian/cyclist customers than is normally the case with bulky DIY goods. It is for these sound reasons that members may wish officers to negotiate further contributions/obligations to deliver these elements of supporting infrastructure that members may see as essential.

### **Amenity and impact upon locality**

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

### **16.0 Conclusion**

- 16.1 In the opinion of officers, the proposed development is acceptable insofar as the retail impacts on the scheme fall within acceptable limits based on the expert opinion of the Council's consultants NLP and a series of reports have responded in detail to the issues raised by objectors on retail grounds. In particular, the issues raised by MRPP including the magnitude of the adverse impact on the Tesco's store at Greenstead which although resulting in a significant diversion of trade is not considered to justify a refusal of consent as this would not lead to the closure of the store. Whilst the Council's adopted policies aim to protect Urban District Centres from harmful impacts, in this case the centre at Greenstead is in reality a single store and national and local policy is not intended to stifle competition and choice in the interests of consumer's.
- 16.2 The impacts of the proposals on the highway network have been subject to protracted and detailed modelling of flows and capacity over the last year. The highway authority supported by their consultants, Ringway Jacobs, have concluded that subject to the mitigation set out above in the report that the impact would be within acceptable limits and that there are no highways related grounds for refusal subject to delivery of the mitigation agreed.
- 16.3 The low car ownership statistics for wards surrounding the proposed store does provide justification for the view that a relatively high percentage of shoppers will arrive on foot or cycle or use public transport. Whilst the applicants have agreed to fund improvements in the bus service for a period of one year, officers have remaining concerns around accessibility given the busy road network serving the site and in the absence of a segregated footway/cycle way. The unadopted nature of Lightship Way compounds these concerns with no operational street lighting, CCTV or bus shelters close to the site. Furthermore, the existing pedestrian bridge over the rail line is currently unsuited to cyclists and this key linkage to the north and east (Wivenhoe) via the University campus is therefore inaccessible for cyclists. It is for this reason that Officers are seeking agreement in the recommendation for delegated authority to seek at the minimum i) an on-site bus shelter with real-time information (**now agreed with applicants and covered by condition 30 at 18.0 below**) ii) CCTV to improve pedestrian safety (**agreed**) iii) an enhanced bus service (**now agreed**) iv) **implementation of staff training and recruitment plan v) payment of travel plan**



**monitoring fee to ECC** in accordance with the recommendations of Development Team.

## **17.0 Recommendation**

- 17.1. **That Officers be instructed by committee to seek the package of contributions in mitigation of the impacts of the scheme and to improve accessibility in accordance with paragraph 16.3 above**, and in the event that the applicants are uncooperative within a two month period thereafter, to report the application back for committees further consideration. If the package is agreed then;
- 17.2 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:
- **i) Secure provision of an extended 30 minute bus service (to a total budget of £91,203);**
  - **ii) Provision and maintenance of two operational CCTV cameras on Lightship Way frontage with connectivity to the Council's CCTV network. The developer to meet any associated connection charges;**
  - **iii) Review and monitoring costs for Travel Plan (£3k fee to ECC);**
  - **iv) Implementation of recruitment and training initiative to improve opportunities for the local unemployed.**
- 17.3 On completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the following conditions:

## **18.0 Conditions**

**Proposed modifications to the conditions indicated on the committee report of 4.02.16 comprise:**

- i) Deletion of conditions 9 & 10 regarding noise as these are considered to be adequately covered by condition 8.**
- ii) Deletion of condition 13 relating to the storage of oil is not considered necessary;**
- iii) Deletion of condition 17 concerning highway improvements as drawing 120729A/SK/05 Rev F has since been received rendering this condition redundant;**
- iv) Modification of condition 19 (now numbered 15) part a) to update the drawing reference to the latest drawing draft (Rev F); Delete Part C) concerning provision of an enhanced bus service as this will be managed as a clause in the s.106 and duplication is not appropriate; Delete part d) concerning the provision of a new bus shelter on site as this is now addressed by a new condition 30.**

## **The revised recommended conditions are set out below:**

### **1 - Time Limit for Full Permissions**

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

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

### **2 - Non-Standard Condition/Reason**

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

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

### **3 - Non-Standard Condition/Reason**

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

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

### **4 - Non-Standard Condition/Reason**

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

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 5 - Non-Standard Condition/Reason

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

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

#### 6 - Non-Standard Condition/Reason

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

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

#### 7 -Non-Standard Condition/Reason

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

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

#### 8 - Non-Standard Condition/Reason

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

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

#### 9 - Non-Standard Condition/Reason

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

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

#### 10 - Non-Standard Condition/Reason

If any existing floodlighting is amended or augmented, details of the proposed floodlighting shall be submitted to and agreed, in writing, by the Local Planning Authority prior to its installation. The details shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers. The development shall thereafter be carried out and maintained in accordance with the approved details. Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to residential properties in the area.

#### 11 - Non-Standard Condition/Reason

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

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

#### 12 - Non-Standard Condition/Reason

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

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

#### 13 – Non Standard Condition

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

'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

#### 14 - Non-Standard Condition/Reason

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

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

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

#### 15 - Non-Standard Condition/Reason

Prior to initial trading from the development the following works shall have been provided or completed in accordance with the agreed details:

- a) A **scheme of highway** capacity enhancement **works** at Greenstead Roundabout as shown in principle on planning application drawing number 120729A/SK/05 Rev F
- b) An extension of the A134 Colne Causeway shared footway/cycleway to the end of highway into Lightship Way **in accordance with a detailed scheme to be submitted to and agreed in writing by the lpa;**
- C) A travel plan has been submitted to and approved in writing by the lpa to include but shall not be limited to a travel plan co-ordinator.

Reason: To protect highway efficiency of vehicular movement and safety and to ensure the proposal is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### 16 - Non-Standard Condition/Reason

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

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

#### 17 - Non-Standard Condition/Reason

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

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

#### 18 - Non-Standard Condition/Reason

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

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

#### 19 - Non-Standard Condition/Reason

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

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

#### 20 - Non-Standard Condition/Reason

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

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

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

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

#### 21 - Non-Standard Condition/Reason

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

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

#### 22 - Non-Standard Condition/Reason

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

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

#### 23 - Non-Standard Condition/Reason

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

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

#### 24 - Non-Standard Condition/Reason

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

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

#### 25 - Non-Standard Condition/Reason

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

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

#### 26 - Non-Standard Condition/Reason

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

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

#### 27 - Non-Standard Condition/Reason

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

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

#### 28 - Non-Standard Condition/Reason

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities within the site and adjacent to the egress onto the highway
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

#### 29 - Non-Standard Condition/Reason

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

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



### **30. – Non-Standard Condition/Reason**

A scheme detailing the provision of a new bus shelter sited on the frontage of the site to Lightship Way and providing real time travel information shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented in full and made available for public use prior to the commencement of trading from the development.

**Reason:** The development will generate a significant number of trips and it is important that the site is made accessible to sustainable transport modes in accordance with paragraph 29 of Section 4 the NPPF.

### **31. – Non-standard Condition/Reason**

A scheme of street lighting to illuminate the northern footway of the unadopted Lightship Way shall be submitted to and agreed, in writing, by the Local Planning Authority prior to its installation. The details shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers. The approved scheme shall thereafter be implemented and maintained in accordance with the approved details and made fully operational prior to the commencement of trading from the development. The approved illumination shall be maintained in a fully operational condition and illuminated at all times after sunset and before sunrise when the store is open for trading.

**Reason:** To enhance the safety of pedestrians and mitigate the fear of crime thereby to encourage the use of sustainable transport modes in accordance with paragraph 29 of the NPPF. Furthermore, To ensure that the street lighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to residential properties in the area.

## **19.0 Informatives**

- (1) A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.
- (2) The developer is referred to the attached advisory note for the avoidance of pollution during the demolition & construction phases. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the development.
- (3) The applicant's attention is drawn to the comments and guidance contained in the Environment Agency in their letter dated 16 May 2014.
- (4) Prior to any works taking place in the public highway the developer shall have entered into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- (5) All highway related details shall be subject to the prior written agreement of the Highway Authority (Essex County Council).
- (6) This permission is subject to an agreement under s.106 of the Town & Country Planning Act 1990 (as amended). A copy of this agreement should be available on the Council's website or on request.

- (7) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively they can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).
- (8) Environmental Protection have this site recorded as being on potentially contaminated land (former Moler Works) and on or within 250m of previously filled land. Some remedial measures were required for the B & Q development (chiefly removal of impacted soils and provision of a gas protective membrane). If there are to be any intrusive works, we would expect to see an assessment of potential risks: this would likely need to include provision of ground gas protection measures in any new structures. Any new works should not adversely impact on the existing ground gas protection measures.
- (9) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (10) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Nathaniel Lichfield  
& Partners  
Planning. Design. Economics.

**Proposed Sainsbury's Store  
Colchester**

**Retail Critique - Final Report**

Colchester Borough Council

27 November 2014

13184/PW/PW

Nathaniel Lichfield & Partners  
14 Regent's Wharf  
All Saints Street  
London N1 9RL

**[nlplanning.com](http://nlplanning.com)**

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Registered Office:

14 Regent's Wharf

All Saints Street

London N1 9RL

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## 1.0 Introduction

- 1.1 Sainsbury's Supermarkets Ltd submitted a planning application for the reuse of the B&Q store at Lightship Way in Colchester to provide a Sainsbury's food store. The application proposals seek a food store of 15,787 sq.m gross external floorspace and a net sales area of 7,197 sq.m net.
- 1.2 Nathaniel Lichfield & Partners (NLP) was commissioned by Colchester Borough Council to undertake an independent review of the Planning and Retail Statement prepared for the applicant by Indigo Planning Ltd (IPL). NLP's conclusions were set out in the Retail Critique Report May 2014.
- 1.3 IPL prepared a response to NLP's critique in a letter dated 12th June 2014. NLP prepared an addendum to the Retail Critique Report to address the issues raised by IPL's response. This addendum was dated July 2014. IPL responded to the addendum in a letter dated 18th August 2014.
- 1.4 An objection letter dated 24th July 2014 was submitted by Martin Robeson Planning Practice (MRPP) on behalf of Tesco Stores. This letter addressed matters relating to IPL's Planning and Retail Statement and NLP's Retail Critique Report May 2014.
- 1.5 A series of response letters from IPL and MRPP followed, as set out below:
- IPL response letter dated 19<sup>th</sup> August 2014;
  - MRPP further response dated 12<sup>th</sup> September 2014;
  - IPL further response dated 24<sup>th</sup> October 2014;
  - MRPP further response dated 7<sup>th</sup> November 2014; and
  - MRPP further response dated 13<sup>th</sup> November 2014;
- 1.6 IPL's responses primarily relate to the sequential approach. MRPP's responses dispute the findings of impact assessments prepared by IPL and NLP and the sequential approach.
- 1.7 NLP has reviewed this correspondence and assessed the implications for NLP's previous retail planning advice provided to the Council. This report pulls together and updated previous advice in the light of submission received from the applicant and MRPP on behalf of Tesco Stores Limited.

2.0

## **Base Data and Assumptions**

### **Introduction**

2.1

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

2.2

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

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

2.3

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

### **Base Year, Design Year and Price Base**

2.4

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

2.5

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



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

## **Study Area and Population**

- 2.7 IPL has adopted the study area and nine zones adopted in the CRTCS 2013.
- 2.8 The CRTCS adopts Experian population data from the 2011 Census. ONS 2011 interim sub-national projections were adopted. These sub-national projections are expected to be updated on the 29th May 2014. In the meantime population projections within the CRTCS should be adopted. It is unlikely the updated projections will significantly change population projections at 2014, 2017 and 2019.

## **Convenience Goods Expenditure**

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

## **Shopping Patterns**

- 2.10 IPL has adopted base year, design year and horizon year convenience goods shopping patterns as provided by NLP. These figures have been adopted in IPL's impact analysis.
- 2.11 No detailed analysis of comparison goods expenditure is provided. IPL refers to data within the CRTCS. Given the scale of comparison sales floorspace proposed (3,115 sq.m net) we believe a more detailed analysis should be undertaken.

## **Turnover of the Proposed Sainsbury's Store**

- 2.12 The proposed Sainsbury's store has a gross external floor area of 15,787 sq.m. This includes a mezzanine floor for a proposed café (370 sq.m), a "Goods On-line" facility, colleague area and domestic area.
- 2.13 The net retail space as stated at IPL's paragraph 3.3 is 7,197 sq.m net. The net sales floorspace figure quoted in IPL's Table 9 is 6,831 sq.m net, which presumably excludes checkouts. These figures suggest a net to gross ratio of less than 46% or 43% without checkouts. These figures are at the bottom of the range NLP would normally expect for stores of this size. For example increase the net to gross ratio to 55% would increase the sales area to 8,683 sq. net and would significantly increase the predicted turnover of the store (an additional £18 million pro rata based on IPL's figures).
- 2.14 In order to control the level of impact of the proposed store, the net retail floorspace excluding checkouts should be restricted to not more than 6,831 sq.m net as tested by IPL. We understand this condition is acceptable to

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

- 2.15 IPL estimates that about 54% of the sales area will be devoted to convenience goods (3,716 sq.m net). ILP's estimated convenience goods turnover of the store is £46.59 million, based on an average sales density of £12,537 per sq.m net. The comparison turnover of the store is £20.72 million, based on an average sales density of £6,652 per sq.m net. IPL's overall turnover for the store is £67.31 million.
- 2.16 Based on Verdict data, NLP would currently normally adopt an adjusted average sales density of £13,115 per sq.net for convenience goods sales floorspace and £5,258 per sq. net, exclusive of checkout areas for Sainsbury's store. This figure would produce a higher expected convenience goods turnover of £48.73 million and a comparison goods turnover of £16.38 million. NLP's overall turnover of the store is marginally lower at £65.11 million.
- 2.17 IPL correctly points out that a figure of £12,537 per sq.m net for convenience sales was adopted for Sainsbury's within the CRTCS, and the revised figure is now 4.6% higher. Sainsbury's suggests this level of growth is not credible and adopt the CRTCS figure should be adopted.
- 2.18 We have revisited the figures and the key issue is not the growth in Sainsbury's overall turnover, but it is the breakdown in turnover assumed by Verdict and the split between comparison and convenience turnover. The adjusted sales density adopted from Verdict data within the CTRCS assumed 2% of Sainsbury's turnover was attributed to petrol/café sales (98% via traditional store sales). Verdict's latest suggested reduction based on Sainsbury's own data is only 1% (i.e. 99% via traditional store sales). Previous Verdict data also suggested that 82.1% of the remaining turnover related to convenience goods, the revised latest figure is now 87% for Sainsbury's. As a result of these two changes the convenience goods sales density for Sainsbury's has increased by 4.6%.
- 2.19 If Sainsbury's suggests that Verdict's data is not correct then it does not automatically follow that the previous data adopted in the CRTCS was correct and the latest data is wrong.
- 2.20 For this reason, NLP has undertaken an impact sensitivity analysis based on IPL's turnover figures and NLP's figures, in order to test the significance of these differences.

## Trade Diversion

- 2.21 IPL estimates convenience trade diversion from facilities in Colchester at 2017 in Table 10B. The trade diversion within this table totals £44.75 million, of which £39.38 million is diverted from facilities in Colchester Borough, which is 84.5% of the store's total turnover.
- 2.22 Colchester has a good choice of large food stores and levels of expenditure retention within Colchester Zone 1 is very high (98.3%). There is limited scope

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

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

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

## Sequential Approach

### Policy Considerations

- 3.1 The sequential approach to site selection for main town centre use is set out in paragraph 24 of the NPPF. The application site is in an out-of-centre location in Colchester. For the purposes of retail development, Annex 2 of the NPPF indicates that town centre and edge of centre sites that are locations well connected and up to 300 metres of the primary shopping area should be considered by the applicant.
- 3.2 If the Council is satisfied the proposed store will not have a significant adverse effect on designated centres, then the availability of suitable sites should be considered. The NPPF (paragraph 27) states that where an application fails the sequential test it should be refused.
- 3.3 The hierarchy of centres and sequential approach is set out in the Core Strategy (Policies CE1 and CE2). Colchester town centre is at the top of the hierarchy, followed by three rural district centres and five urban district centres and then local centres. Policy CE2a indicates that the sequential priority for retail is the Town Centre Core, followed by Urban Gateways and the Town Centre Fringe. These policies were based on National Policy within PPS6. The policy approach regarding the definition of the hierarchy of centres and the application of the sequential approach remains largely unchanged within the NPPF. Policies CE1 and CE2 remain up-to-date and must be considered by the applicant.
- 3.4 Within urban district centres, Policy CE2b indicates new retail is not supported unless it meets identified local needs and does not compete with the town centre. Town centre uses outside the district centre boundary should comply with the sequential approach as set out in Policy CE2a.
- 3.5 The NPPF indicates that applicants must demonstrate flexibility on issues such as scale and format.

### Analysis

- 3.6 The proposal seeks to provide a large food superstore to improve food shopping provision in Colchester. It should be noted the applicant is not required to demonstrate their proposals are needed, but the NPPF suggests an applicant must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility. Applicants should be flexible in terms of the scale of store proposed and the amount of car parking.
- 3.7 IPL suggests the proposal is for the conversion of existing retail premises to accommodate a food store, and claim it would be disproportionate and inappropriate to expect Sainsbury's to develop a new store. NLP and MRPP have not accepted this approach. The key issue is whether a new food store would be suitable and viable. These issues are addressed later.

- 3.8 IPL indicates (paragraph 6.13) that the Council has confirmed there are only two potential areas that are sequentially preferable i.e. the Vineyard Gate/St Botolphs area and the Cowdray Centre.
- 3.9 IPL sought to address the issues raised by NLP in relation to the potential availability and timing of the Vineyard Gate site and the Cowdray Centre. IPL's letters dated 12<sup>th</sup> June 2014 and 18<sup>th</sup> August 2014 provide further commentary on both sites.

### **Vineyard Gate**

- 3.10 IPL indicate that the Council officers have confirmed that an application is not imminent for the Vineyard Gate redevelopment. IPL discounts this site on the grounds that it is not available within a reasonable period of time, it is unsuitable and unviable.
- 3.11 NLP's May 2014 critique report suggested that the Vineyard Gate redevelopment could be completed in 2017/18 if planning permission was secured in 2014/15. IPL disputes this timetable and suggests the scheme is unlikely to be completed until 2019. This later completion date is based on a presentation to Council Cabinet (17 March 2014), where representatives from Caddick Developments confirmed that they expect to be start on site some time in 2016. If the expected start on site is 2016 then NLP's agrees that a 2019 earliest completion date is realistic.
- 3.12 NLP previously understood that Sainsbury's could not occupy the application premises until B&Q relocate, but IPL now indicate vacant possession will be obtained in 2016, regardless of B&Q's relocation. Assuming vacant possession in 2016, the Sainsbury's store could be completed in 2017. As indicated above, an alternative Vineyard Gate redevelopment could in theory be completed by 2019, which would mean a two year delay for Sainsbury's.
- 3.13 The recent Rushden decision, highlighted in IPL's letter dated 18<sup>th</sup> August 2014, suggests this delay is likely to indicate that an alternative site is unavailable in sequential terms.
- 3.14 Notwithstanding the timing of the Vineyard Gate development, IPL suggests the site is unavailable and unsuitable because it is unclear that the proposed food store can be accommodated within the scheme. IPL suggest that the revised Vineyard Gate scheme includes one anchor store (size unknown), but IPL suggests there is no indication of whether this is intended for a convenience or comparison retailer. In any event the anchor store may not be large enough to accommodate the size of food store proposed on the application site.
- 3.15 Accommodating a large Sainsbury's store on the Vineyard Gate site will prevent the delivery of a department store, but it is for the Council and the developers of the Vineyard Gate site (rather than NLP, IPL or Sainsbury's) to determine whether this will make the site unsuitable for a Sainsbury's store.

- 3.16 As indicated in NLP previous advice, the Council needs to consider the suitability of a large food superstore on the Vineyard Gate site.
- 3.17 IPL questions the suitability and viability of the Vineyard Gate for a Sainsbury's food store. IPL suggests the site is unsuitable for Sainsbury's because they already have a store within Colchester town centre. IPL suggests a second Sainsbury's store in the town centre would not achieve the Council's aspirations for the site or town centre. IPL suggests two Sainsbury's stores within the town centre would be unviable. NLP accepts Sainsbury's are unlikely to occupy two food stores within the town centre.
- 3.18 IPL states that duplication of Sainsbury's offer in the town centre would "*not represent a good or reasonable planning decision to strengthen the town centre's retail offer and would not improve consumer range and choice of convenience goods and it would undermine the opportunity to deliver a significant improvement in the town's retail offer, and particularly the delivery of a department store.*"
- 3.19 Notwithstanding the viability of two Sainsbury's store within the town centre, a more likely scenario is Sainsbury's relocate their existing town centre store (1,235 sq.m net) into a much larger store of a similar size (7,197 sq.m net) to that proposed at Lightship Way. IPL suggests this is a possible scenario but suggests the town centre store would serve a different catchment area. NLP is not convinced the catchment areas of the two stores are significantly different.
- 3.20 The Council needs to consider the following issues when determining the planning application. First the Council should consider whether a large food store (of the size proposed on the application site) would be suitable on the Vineyard Gate site, e.g. recognising that it would prevent a new department store. The site could be discounted as unsuitable for the application proposal.
- 3.21 If the site is considered suitable for a food store of the size proposed by Sainsbury's then the Council should consider the availability and timetable for delivery. The Council needs to consider whether the development of the Vineyard Gate site can be brought forward to deliver a new food store by 2017. If this earlier timetable is considered feasible, then the Council should liaise with the developer to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use. NLP notes that Caddick Developments has not objected to Sainsbury's planning application.
- 3.22 Subject to the Vineyard Gate site being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate this opportunity is unviable for this site to be discounted.
- 3.23 Based on the information available NLP has reservations about the suitability and availability of this site for the size of food store proposed by Sainsbury's.

## Cowdray Centre

- 3.24 IPL disputes the availability and timing of the Cowdray Centre, because there are no clear plans for its development. IPL also claims that a Sainsbury's store would not deliver the mixed use regeneration that the Council like to see on this site. However, MRPP claims the site is eminently suitable for the proposed development.
- 3.25 IPL has conceded the site is large enough to accommodate the proposed Sainsbury's store, but its suitability is questioned in terms of access, traffic, noise and amenity issues. IPL suggests these issues have not been considered in detail. NLP suggested the onus is on the applicant to demonstrate a sequential site is unsuitable for their proposals. IPL's response to this conclusion (letter dated 18<sup>th</sup> August 2014) states *"it does not seem sensible or proportionate to expect Sainsbury's to spend money looking at the suitability of a site which is not available and unlikely to come forward in the short to medium term."*
- 3.26 From this statement one can deduce IPL is relying on discounting this site as unavailable. Unfortunately NLP has insufficient information to draw any conclusions regarding the suitability of the site. MRPP draw attention to a Spatial Policy statement that refers to the *"acceptability of some retail on the site in the future as being established through the designation of the site as a Mixed Use centre including retail."* This statement does not on its own indicate a large food store is suitable on this site.
- 3.27 Council needs to consider whether a food store of the size proposed by Sainsbury's would meet the Council's objectives for the site. The site could be discounted as unsuitable if a large food store of the size proposed does not meet these objectives.
- 3.28 In terms of availability, IPL (letter dated 18<sup>th</sup> August 2014) suggests it will take only four months to refit the B&Q store, but the construction of a new store will take 12 months. These timetables may be correct, but IPL has indicated that vacant possession of the B&Q unit will be obtained in 2016, therefore refit work cannot commence for some time.
- 3.29 IPL also implies that the construction of a new Sainsbury's store rather than a re-fit of a B&Q store would not be viable. No evidence has been submitted to support this claim. Refitting a store may cost less than building a new store, subject to site acquisition costs, but the issue is whether a new build option is viable or unviable, not whether it is more or less costly. The Dundee decision does not suggest only similar refit opportunities should be considered. MRPP also agrees with this interpretation of the Dundee decision.
- 3.30 The relevant issue is viability. IPL's own figures suggest the store will achieve a significant turnover of over £67 million. Based on NLP's experience this level of turnover would normally fund the construction of a new Sainsbury's store.
- 3.31 The additional information provided by IPL does not adequately discount the Cowdray Centre site. The Council needs to consider the suitability of a large



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

- 3.32 The Council then needs to explore whether the site can be brought forward quickly. A food store would need to be completed on the site by 2017, which would mean obtaining planning permission during 2015 and start on site in 2016 at the latest.
- 3.33 If the site is considered suitable for a large food store and the Council considers the site could be brought forward for development quickly, then the Council should liaise with the developer to establish whether they consider that a large Sainsbury store is suitable and that the site is available for that use.
- 3.34 Subject to the site being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate this opportunity is unviable for this site to be discounted.



4.0

## Retail Impact

### Introduction

4.1

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

4.2

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

4.3

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

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

4.4

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

4.5

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

4.6

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

4.7

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

## Convenience Goods Impact Analysis

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

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

### Base Year Trading Patterns in 2014

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

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

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

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

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

- 4.14 As a result of these two changes, the benchmark (company average) convenience goods turnover of the Tesco store has reduced significantly.
- 4.15 The GVA 2009 study suggested the convenience goods turnover of the Tesco store was £34.15 million in 2009 (2007). This turnover is £43.73 million at 2011 price. NLP estimates the actual turnover of the Tesco store is £44.06 million in 2014 (2011 prices). The actual turnover of the Tesco store does not appear to have been over-estimated, nor has it changed significantly since 2009.
- 4.16 Based on the information available, we are satisfied the Tesco store is trading well above the current company average, and the change from the 2009 position is credible.

#### **Design Year Trading Patterns – Assuming No Development**

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

#### **Design Year Trading Patterns – With commitments**

- 4.18 NLP's estimated trade draw for the proposed food store commitments is shown in Table 7 in Appendix 1. The trade draw is based on existing evidence from the household survey results in relation to the trade draw of existing large food stores in Colchester. The convenience goods turnover of all commitments is £30.55 million.
- 4.19 The projected shopping patterns with commitments included are shown in Table 8 in the Appendix 1. The pattern of trade diverted from existing facilities is based on current shopping patterns, the expected trade draw of the commitments, and judgments about the propensity for commitments to compete with other facilities for food and grocery shopping trips.
- 4.20 The impact of commitments in Colchester is summarised in Table 15. The proportional impact on food stores in Colchester ranges from -1.6% to -10.8%. The highest impact (-10.8%) will fall on the Tesco store on Greenstead Road.

#### **Design Year Trading Patterns – With Proposed Sainsbury's Store**

- 4.21 NLP's estimated trade draw for the proposed Sainsbury's store is shown in Table 9 in Appendix 1. The expected convenience goods turnover is £48.73 million, as set out in paragraph 2.13. IPL's adopted figure is slightly lower (£46.59 million).
- 4.22 The projected shopping patterns with commitments and the Sainsbury's store included are shown in Table 10 in the Appendix 1. The cumulative impact of commitments and the Sainsbury's store is summarised in Table 15. The proportional impact on food stores in Colchester ranges from -6% to -28%. The highest impact (-28%) will again fall on the Tesco store on Greenstead Road.

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

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

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

- 4.24 In general NLP's impact percentages are higher than IPL's figures, and only a small element of this difference is due to NLP's higher adopted store turnover.
- 4.25 NLP predict higher trade diversion from food stores in Colchester town centre than IPL, whilst IPL predicts higher trade diversion from Sainsbury's in Stanway.

### Horizon Year Trading Patterns – With Proposed Sainsbury's Store

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

### Horizon Year Trading Patterns – With North Colchester UE Store

- 4.27 NLP's estimated trade draw for the proposed food store within the North Colchester Urban Extension neighbourhood centre is shown in Table 12 in Appendix 1. The expected convenience goods turnover is £29.14 million. The impact of the NCUE store is summarised in Table 16. The proportional impact on food stores in Colchester ranges from -2.4% to -10.1%. The highest impact (10.1%) will fall on the Asda and Tesco Extra stores.
- 4.28 The projected turnover of existing stores is compared with company average benchmark turnovers in Table 16. The reduction in base year (2014) trading levels is also shown hopping patterns with commitments, the NCUE store and the Sainsbury's store at 2019 are shown in Table 13 in the Appendix 1.

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

## **Comparison Goods Impact Analysis**

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

### **Base Year Trading Patterns in 2014**

- 4.31 Base year trading levels have been derived from the market shares, as adopted in the CRTCS. Separate market shares have been estimated for the B&S store and comparison goods sales within food stores in order to assess impact in more detail. Comparison market shares are shown in Table 3. Base year shopping expenditure patterns are shown in Table 4.
- 4.32 The base year total comparison turnover of facilities in Colchester Borough is estimated to be £770.48 million as shown in Table 4.

### **Design Year Trading Patterns – Assuming No Development**

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

### **Design Year Trading Patterns – With Commitments**

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

### **Design Year Trading Patterns – With Reduced B&Q Store**

- 4.35 The B&Q store is expected to relocate and we understand B&Q is looking to downsize and occupy a store 40% smaller than their existing store. We would not expect the B&Q store's turnover to reduce by 40%. In the same way store extensions generally do not result in an increase in turnover proportionate to the amount of additional sales floorspace. We estimate the B&Q's store is likely to reduce by up to 20%.
- 4.36 The projected shopping patterns with a 20% reduction in the B&Q store's turnover in 2017 are shown in Table 7 in the Appendix 2.

### **Design Year Trading Patterns – With Proposed Sainsbury's Store**

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

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

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

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

#### **Horizon Year Trading Patterns – With Proposed Sainsbury's Store**

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

#### **Horizon Year Trading Patterns – With North Colchester Urban Extension**

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

### **Implications for Colchester Town Centre**

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

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

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

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



- 4.46 By 2019 the convenience goods turnover of the town centre is expected to increase from £31.41 million to £32.42 million, due to population and expenditure growth. However, the food store commitment within the North Colchester Urban Extension will reduce this turnover to £31.29 million (-3.5%).
- 4.47 The Priory Walk Sainsbury's store will continue to trade around the company average (+0.7%) in 2019. The residual turnover of other town centre convenience facilities will reduce to £16.62 million, which is only marginally lower than the 2014 turnover (£16.66 million). The longer term convenience goods impact of the Sainsbury's store and the NCUE store is not expected to be significant.
- 4.48 If the Sainsbury's store is implemented along with the Williams & Griffin improvements commitments then the comparison turnover of existing facilities within Colchester (excluding food stores and retail warehouses) is estimated to decrease from £629.34 million to £605 million in 2017, a cumulative impact of -3.9%. The 2014 comparison turnover is £572.19 million. These figures suggest the cumulative trade diversion will be more than offset by population and expenditure growth.
- 4.49 The Sainsbury store accounts for about £10 million of this £24 million reduction. The remaining reduction in turnover will be retained within the town centre within the improved Williams & Griffin store, therefore the actual impact on the town centre's overall comparison turnover is only 1.1%. This level of trade diversion is not expected to lead to shop closures within the town centre. The main concern is the potential impact on longer term planned investment.
- 4.50 The base year (2014) turnover of comparison facilities in Colchester Borough is £770.48 million. Based on Experian projections this turnover should increase to £817.64 million in 2017, allowing for a 2% per annum growth in turnover efficiency. The projected expected benchmark turnover at 2019 would be £850.67 million.
- 4.51 The residual turnover of these existing facilities, taking into account Williams & Griffin, B&Q and Sainsbury's at 2017 is estimated to be £818.07 million, which is about 6% higher than the base year turnover (£770.48 million). This projected actual turnover is marginally higher than the projected benchmark turnover at 2017 (£817.64 million).
- 4.52 These projections suggest comparison good trade diversion will be offset by expenditure growth between 2014 and 2017, and would still leave sufficient expenditure growth to allow a 2% growth in turnover efficiency.
- 4.53 In the short term the Sainsbury proposal is unlikely to lead to a decrease in the number of comparison shops within the town centre or delay or prevent the implementation of the Williams and Griffin department store improvements. However there will be less theoretical comparison goods expenditure capacity to support the reoccupation of vacant shop units within the town centre.
- 4.54 By 2019 the residual turnover of existing comparison facilities is expected to increase to £864.16 million, compared with the base year turnover of £770.48

million. As indicated above, the projected benchmark turnover allowing for a 2% per annum increase in turnover efficiency is £850.67 million in 2019. These projections suggest surplus comparison expenditure available to support new comparison goods retail floorspace in Colchester Borough at 2019 could be about £13.5 million, taking into account Sainsbury's proposals and the North Colchester UE.

- 4.55 Previous Vineyard Gate proposals were expected to provide around 9,000 sq.m net of comparison sales floorspace, with a turnover of around £63 million. One would expect some of this £63 million turnover will be attracted from competing centres rather than Colchester. Nevertheless, the projections suggest there is insufficient expenditure capacity to support this level of comparison sales floorspace by 2019. The maximum theoretical expenditure deficit at 2019 would be £49.50 million, which represents about 5% of total expenditure available in the Borough at 2019, or around two years growth in expenditure.
- 4.56 As indicated in Section 3 the timing of the Vineyard Gate development proposals is unclear. Even if planning permission was secured in 2014, the development would not be completed until 2017 and would not achieve full and settled trading levels until 2019. A two year delay for completion in 2019 and full trading at 2021, would not necessarily jeopardise this development, particularly if the Vineyard Gate developers have not objected to the Sainsbury's store planning application and the amount of comparison sales floorspace proposed.
- 4.57 IPL (letter dated 24<sup>th</sup> July 2014) suggested that the combined impact estimate of convenience and comparison goods trade diversion, in addition to the separate figures would be instructive for the Council.
- 4.58 The figures shown in IPL's table are mathematically correct. They show the town centre's overall turnover will increase from £605.28 million in 2014 to £688.60 million in 2019, taking into account commitments, an increase of 13.8%. However it should be noted that the increase in turnover also includes the turnover of the William and Griffin commitment. The implications for existing comparison businesses in the town centre needs to be considered. If this commitment is excluded then the increase in comparison goods turnover for existing businesses will be 11.7% rather than 14.9%. This does not affect the overall conclusions.

## **Implications for Greenstead Road UDC**

- 4.59 Technically the Tesco store on Greenstead Road is a designated urban district centre, although it is a standalone store.
- 4.60 If the Sainsbury's store is implemented along with commitments then the convenience turnover of the Tesco store will decrease from £44.79 million to £32.22 million in 2017, a cumulative impact of -28.1%.



- 4.61 The company average benchmark turnover of the Tesco store is £33.24 million. The residual turnover (£32.22 million) in 2017 is only slightly lower (- 3.1%). The Tesco store is not expected to close despite the significant level of trade diversion.
- 4.62 MRPP letter dated 24<sup>th</sup> July 2014, also implies that the Tesco store will not close, but claims the level of trade diversion represents a significant adverse impact that warrants refusals of the proposed Sainsbury's food store. NLP does not accept MRPP's assertion that "*significant trade diversion*" must mean "*significant adverse impact*" as set out in the NPPF. MRPP's claim (letter dated 12<sup>th</sup> September 2014) that NLP has "*identified that impact on Greenstead Road UDC will be significant*" is inaccurate.
- 4.63 NLP agrees the significance of adverse impact will relate to the role and function of the location, which goes beyond the quantification of trade diversion. MRPP claims the erosion of trade from the Tesco store at Greenstead Road "*dilutes how an actively trading superstore meets consumer requirements in an effective and sustainable way, then there must be a significant adverse impact arising.*" Unfortunately MRPP does not explain how the store will no longer meet consumer's requirements due to the reduction in trade.
- 4.64 If the reduction in trade does not result in the closure of the Tesco store, then we fail to see how this will result in an impact on local consumer choice or a dilution in Tesco's offer/role. Tesco is unlikely to reduce the store's sales area or sell a reduced number of products. If anything Tesco will improve their store to counter the increased competition from Sainsbury's. Competition is generally good for customers.
- 4.65 NLP agrees with IPL that the appeal decisions relating to store closures referred to by MRPP (letter dated 12<sup>th</sup> September 2014) are very different to the circumstances in Colchester and therefore provide limited if any relevant guidance.
- 4.66 The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.
- 4.67 MRPP does not identify any planned investment e.g. proposed improvements to the Tesco store that would be jeopardised by the implementation Sainsbury's store.
- 4.68 In our view there is no significant adverse impact on Greenstead Road urban district centre.

## **Garrison Local Centre**

- 4.69 MRPP criticises NLP and IPL for not assessing the potential impact on planned investment, specifically relating to proposals to provide the Garrison Local centre at Butt Road.

4.70

This is not correct. NLP has assessed the impact of the Sainsbury's food store on the Tesco Garrison Local Centre. Trade diversion is estimated to be £0.39 million and an impact of only 3%. This level of trade diversion will not harm planned investment or the new local centre.

5.0

## Conclusions

### The Sequential Approach

- 5.1 The applicant appears to concede that a large food store can physically be accommodated on either the Vineyard Gate or Cowdray Centre sites.
- 5.2 Based on the evidence provided by the applicant, these two sites have not been adequately discounted on viability and/or suitability grounds. The Council needs to first consider, the suitability of a large food superstore of the size proposed by Sainsbury's on both sites. As indicated in NLP's previous advice it may be difficult to sustain a sequential ground for refusal if the landowner/ developers of these two sites have not objected to the Sainsbury's store planning application or stated their willingness to accommodate a large food store on their sites.
- 5.3 If the Council considers a large food store of the size proposed by Sainsbury's could be suitable on either of these two sites then the availability and timing of delivery needs to be considered. Recent legal/Secretary of State decisions suggest these sites would need to be brought forward quickly to match Sainsbury's programme to deliver a store by 2017 on the application site. If this timetable is considered feasible, then the Council should liaise with the developer(s) to establish whether they consider that a large Sainsbury store would be suitable and that the site is available for that use.
- 5.4 Subject to one of the sites being suitable and available for completion by 2017, Sainsbury's would then need to provide further evidence to demonstrate the opportunities are unviable.
- 5.5 Based on the information available NLP has reservations about the suitability and availability of the Vineyard Gate site for the size of food store proposed by Sainsbury's. More information is required regarding the suitability and likely timetable for delivery at the Cowdray Centre.

### Retail Impact

- 5.6 MRPP has raised concerns regarding IPL's retail impact figures. These concerns have been considered by NLP. In order to address NLP's own concerns regarding IPL's figure, NLP has undertaken its own impact assessment.
- 5.7 The NPPF (paragraph 27) states that if the adverse impacts of a proposal are significant then it should be refused. NPPF (paragraph 14) also indicates there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development.
- 5.8 The average impact on convenience goods facilities in Colchester town centre is -9.7% in 2017, primarily focused on the Priory Walk Sainsbury's store. There

is no evidence to suggest the Sainsbury's store will be forced to close. It is unlikely the reduction in convenience goods trade will lead to other shop closures within the town centre. The longer term convenience goods impact of the Sainsbury's store and the NCUE store is not expected to be significant.

- 5.9 The comparison turnover of existing facilities within Colchester is estimated to decrease by -3.9% in 2017. This reduction will be offset by population and expenditure growth between 2014 to 2017 and this level of trade diversion is not expected to lead to shop closures within the town centre. The main concern is the potential impact on longer term planned investment.
- 5.10 The 2019 projections suggest there is insufficient comparison goods expenditure capacity to support the level of comparison sales floorspace proposed as suggested by previous Vineyard Gate proposals. The maximum theoretical expenditure deficit at 2019 could be £49.50 million, about 5% of total expenditure available in the Borough at 2019, or around two year's growth in expenditure.
- 5.11 A two year delay would not necessarily jeopardise the Vineyard Gate development, particularly if the Vineyard Gate developers have not objected to the Sainsbury's store planning application and the amount of comparison sales floorspace proposed.
- 5.12 The Tesco store at Greenstead Road is not expected to close despite the significant level of trade diversions. Significant trade diversion does not necessarily equate to a significant adverse impact in terms of the NPPF tests. This will depend on specific circumstances. In this case there will be no impact on local consumer choice or a dilution in Tesco's offer/role. The reduction in Tesco's turnover will reduce trading levels from above to slightly below average trading densities. This reduction will if anything improve the shopping experience for Tesco customers, i.e. less congestion and queuing at peak periods.
- 5.13 NLP has assessed the impact of the Sainsbury's food store on the Tesco Garrison Local Centre. Trade diversion is estimated to be £0.39 million and an impact of only 3%. This level of trade diversion will not harm planned investment or the new local centre.

## Appendix 1 Convenience Goods Impact



**Table 1: Population Projections**

<b>Zone Area</b>	<b>2011</b>	<b>2014</b>	<b>2017</b>	<b>2019</b>
Zone 1 - Colchester	128,066	134,410	140,390	144,079
Zone 2 - Colchester Rural North	34,115	34,592	35,168	35,620
Zone 3 - Colchester Rural South	44,088	45,991	47,883	49,131
Zone 4 - Clacton	65,317	67,877	70,526	72,353
Zone 5 - Frinton/Harwich	43,959	45,682	47,465	48,694
Zone 6 - Tiptree/Kelvedon	15,990	16,444	16,882	17,179
Zone 7 - Halstead	21,054	21,226	21,435	21,580
Zone 8 - Coggeshall	19,127	19,454	19,773	19,996
Zone 9 - Braintree	62,715	62,762	62,750	62,694
<b>Total</b>	<b>434,431</b>	<b>448,438</b>	<b>462,271</b>	<b>471,326</b>

Sources: Experian MMG3

Population in Zone 6 to 9 sourced from Braintree Retail Study Update 2012, based on Council's projected ward population estimates and housing completions  
ONS 2011 sub-national population projections

**Table 2: Convenience Goods Expenditure Per Capita (2011 Prices)**

<b>Expenditure Per Capita</b>	<b>2014</b>	<b>2017</b>	<b>2019</b>
Zone 1: Colchester	£1,695	£1,709	£1,728
Zone 2 - Colchester Rural North	£1,950	£1,968	£1,989
Zone 3 - Colchester Rural South	£1,876	£1,892	£1,913
Zone 4 - Clacton	£1,794	£1,810	£1,829
Zone 5 - Frinton/Harwich	£1,836	£1,852	£1,872
Zone 6 - Tiptree/Kelvedon	£1,874	£1,890	£1,911
Zone 7 - Halstead	£1,853	£1,869	£1,889
Zone 8 - Coggeshall	£1,912	£1,929	£1,950
Zone 9 - Braintree	£1,831	£1,847	£1,867

Sources:

Experian local estimates for 2011 convenience goods expenditure per capita  
(Excluding special forms of trading)

Experian Business Strategies - recommended forecast growth rates October 2013



**Table 3: Total Available Convenience Goods Expenditure (£M - 2011 Prices)**

Zone	2014	2017	2019
Zone 1: Colchester			£248.97
Zone 2 - Colchester Rural North	£227.83	£239.93	£70.85
Zone 3 - Colchester Rural South	£67.45	£69.21	£93.99
Zone 4 - Clacton	£86.28	£90.59	£132.33
Zone 5 - Frinton/Harwich	£121.77	£127.65	£91.16
Zone 6 - Tiptree/Kelvedon	£83.87	£87.90	£32.83
Zone 7 - Halstead	£30.82	£31.91	£40.77
Zone 8 - Coggeshall	£39.33	£40.06	£38.99
Zone 9 - Braintree	£37.20	£38.14	£117.05
	£114.92	£115.90	
<b>Total</b>	<b>£809.46</b>	<b>£841.30</b>	<b>£866.93</b>

Sources: Table 1 and Table 2

**Table 4: Convenience Shopping Penetration Rates 2012**

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow
Asda, Colchester	15.0%	8.4%	4.7%	1.6%	1.4%	3.9%	0.9%	6.4%	0.3%	5.0%
Sainsbury's, Priory Walk, Colchester	4.6%	0.6%	4.6%	0.0%	0.3%	0.5%	0.9%	0.0%	0.0%	5.0%
Other Colchester town centre	5.6%	1.5%	2.1%	0.2%	0.0%					5.0%
Tesco Extra, Colchester	18.7%	17.0%	7.3%	0.2%	3.0%	0.0%	0.0%	0.4%	0.0%	5.0%
Tesco, Greenstead Road, Colchester	9.4%	0.6%	19.8%	0.0%	0.5%	0.9%	0.0%	2.4%	0.0%	5.0%
Waitrose, Colchester	6.3%	2.7%	7.0%	1.1%	0.6%	0.8%	0.0%	0.8%	0.4%	5.0%
Colchester Other	12.6%	1.0%	6.0%	0.4%	0.3%	0.9%	0.6%	2.1%	0.0%	5.0%
Sainsbury's, Stanway	17.0%	3.3%	8.9%	1.5%	1.7%	18.9%	2.6%	26.3%	1.0%	5.0%
Co-op, Fiveways Retail Park, Stanway	4.6%	0.6%	3.6%	1.1%	0.8%	1.0%	0.0%	0.0%	0.0%	5.0%
<b>Colchester Sub-Total</b>	<b>93.8%</b>	<b>35.7%</b>	<b>64.0%</b>	<b>6.1%</b>	<b>8.6%</b>	<b>26.9%</b>	<b>5.0%</b>	<b>38.4%</b>	<b>1.7%</b>	
Tiptree	0.2%	0.0%	0.6%	0.0%	0.6%	53.2%	0.0%	2.0%	0.0%	5.0%
West Mersea	0.0%	0.0%	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
Wivenhoe	0.0%	0.0%	10.1%	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	5.0%
Other Colchester Borough	4.4%	1.9%	0.8%	0.0%	0.0%	0.0%	0.3%	1.7%	0.0%	5.0%
<b>Other Sub-Total</b>	<b>4.6%</b>	<b>1.9%</b>	<b>16.8%</b>	<b>0.0%</b>	<b>1.1%</b>	<b>53.2%</b>	<b>0.3%</b>	<b>3.7%</b>	<b>0.0%</b>	
<b>Colchester Borough Total</b>	<b>98.4%</b>	<b>37.6%</b>	<b>80.8%</b>	<b>6.1%</b>	<b>9.7%</b>	<b>80.1%</b>	<b>5.3%</b>	<b>42.1%</b>	<b>1.7%</b>	
<b>Elsewhere</b>										
Braintree	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	23.1%	10.9%	67.8%	30.0%
Chelmsford	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.4%	1.6%	99.0%
Clacton	0.5%	1.5%	7.2%	88.6%	18.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Frinton	0.0%	0.0%	0.6%	0.0%	13.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Ipswich	0.5%	18.8%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	95.0%
Sudbury	0.0%	8.7%	0.0%	0.0%	0.0%	0.0%	18.3%	10.1%	0.0%	90.0%
Other Outside Borough	0.4%	33.4%	11.4%	5.3%	58.6%	19.9%	52.4%	36.5%	28.9%	30.0%
<b>Market Share Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	

Source: NEMS Household Survey, September 2012 and Braintree Retail Study Update 2012

Table 5: Base Year Convenience Expenditure 2014 £Million

Centre /Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2014</b>	<b>£227.83</b>	<b>£67.45</b>	<b>£86.28</b>	<b>£121.77</b>	<b>£83.87</b>	<b>£30.82</b>	<b>£39.33</b>	<b>£37.20</b>	<b>£114.92</b>		<b>£309.46</b>
Asda, Colchester	£34.17	£5.67	£4.06	£1.95	£1.17	£1.20	£0.35	£2.38	£0.34	£2.70	£54.00
Sainsbury's, Priory Walk, Colchester	£10.48	£0.40	£3.97	£0.00	£0.25	£0.15	£0.35	£0.00	£0.00	£0.82	£16.43
Other Colchester town centre	£12.76	£1.01	£1.81	£0.24	£0.00	£0.00	£0.00	£0.00	£0.00	£0.83	£16.66
Tesco Extra, Colchester	£42.60	£11.47	£6.30	£0.24	£2.52	£0.00	£0.00	£0.15	£0.00	£3.33	£66.61
Tesco, Greenstead Road, Colchester	£21.42	£0.40	£17.08	£0.00	£0.42	£0.28	£0.00	£0.89	£0.00	£2.13	£42.62
Waitrose, Colchester	£14.35	£1.82	£6.04	£1.34	£0.50	£0.25	£0.00	£0.30	£0.46	£1.32	£26.38
Colchester Other	£28.71	£0.67	£5.18	£0.49	£0.25	£0.28	£0.24	£0.78	£0.00	£1.93	£38.52
Sainsbury's, Stanway	£38.73	£2.23	£7.68	£1.83	£1.43	£5.82	£1.02	£9.78	£1.15	£3.67	£73.33
Co-op, Fiveways Retail Park, Stanway	£10.48	£0.40	£3.11	£1.34	£0.67	£0.31	£0.00	£0.00	£0.00	£0.86	£17.17
<b>Colchester Sub-Total</b>	<b>£213.70</b>	<b>£24.08</b>	<b>£55.22</b>	<b>£7.43</b>	<b>£7.21</b>	<b>£8.29</b>	<b>£1.97</b>	<b>£14.28</b>	<b>£1.95</b>	<b>£17.59</b>	<b>£351.72</b>
Tiptree	£0.46	£0.00	£0.52	£0.00	£0.50	£16.39	£0.00	£0.74	£0.00	£0.98	£19.59
West Mersea	£0.00	£0.00	£4.57	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.81
Wivenhoe	£0.00	£0.00	£8.71	£0.00	£0.42	£0.00	£0.00	£0.00	£0.00	£0.48	£9.61
Other Colchester Borough	£10.02	£1.28	£0.69	£0.00	£0.00	£0.00	£0.12	£0.63	£0.00	£0.67	£13.42
<b>Other Sub-Total</b>	<b>£10.02</b>	<b>£1.28</b>	<b>£14.50</b>	<b>£0.00</b>	<b>£0.92</b>	<b>£16.39</b>	<b>£0.12</b>	<b>£1.38</b>	<b>£0.00</b>	<b>£2.37</b>	<b>£47.44</b>
<b>Colchester Borough Total</b>	<b>£223.72</b>	<b>£25.36</b>	<b>£69.71</b>	<b>£7.43</b>	<b>£8.14</b>	<b>£24.68</b>	<b>£2.08</b>	<b>£15.66</b>	<b>£1.95</b>	<b>£19.96</b>	<b>£399.16</b>
<b>Eisewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.09	£4.05	£77.91	£39.02	£130.08
Chelmsford	£0.46	£0.00	£0.00	£0.00	£0.00	£0.00	£0.35	£0.15	£1.84	£276.91	£279.71
Clacton	£1.14	£1.01	£6.21	£107.89	£15.26	£0.00	£0.00	£0.00	£0.00	£6.92	£138.44
Frinton	£0.00	£0.00	£0.52	£0.00	£11.07	£0.00	£0.00	£0.00	£0.00	£0.61	£12.20
Ipswich	£1.14	£12.68	£0.00	£0.00	£0.25	£0.00	£0.00	£0.00	£0.00	£267.37	£281.44
Sudbury	£0.00	£5.87	£0.00	£0.00	£0.00	£0.00	£7.20	£3.76	£0.00	£151.41	£168.23
Other Outside Borough	£0.91	£22.53	£9.84	£6.45	£49.15	£6.13	£20.61	£13.58	£33.21	£69.60	£232.01
<b>Total</b>	<b>£227.37</b>	<b>£67.45</b>	<b>£86.28</b>	<b>£121.77</b>	<b>£83.87</b>	<b>£30.82</b>	<b>£39.33</b>	<b>£37.20</b>	<b>£114.92</b>	<b>£831.80</b>	<b>£1,641.27</b>

Table 6: Design Year Convenience Expenditure 2017 £Million - No Development

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>		<b>£841.30</b>
Asda, Colchester	£35.99	£5.81	£4.26	£2.04	£1.23	£1.24	£0.36	£2.44	£0.35	£2.83	£56.56
Sainsbury's, Priory Walk, Colchester	£11.04	£0.42	£4.17	£0.00	£0.26	£0.16	£0.36	£0.00	£0.00	£0.86	£17.27
Other Colchester town centre	£13.44	£1.04	£1.90	£0.26	£0.00	£0.00	£0.00	£0.00	£0.00	£0.88	£17.51
Tesco Extra, Colchester	£44.87	£11.77	£6.61	£0.26	£2.64	£0.00	£0.00	£0.15	£0.00	£3.49	£69.78
Tesco, Greenstead Road, Colchester	£22.55	£0.42	£17.94	£0.00	£0.44	£0.29	£0.00	£0.92	£0.00	£2.24	£44.79
Waitrose, Colchester	£15.12	£1.87	£6.34	£1.40	£0.53	£0.26	£0.00	£0.31	£0.46	£1.38	£27.66
Colchester Other	£30.23	£0.69	£5.44	£0.51	£0.26	£0.29	£0.24	£0.80	£0.00	£2.02	£40.49
Sainsbury's, Stanway	£40.79	£2.28	£8.06	£1.91	£1.49	£6.03	£1.04	£10.03	£1.16	£3.83	£76.64
Co-op, Fiveways Retail Park, Stanway	£11.04	£0.42	£3.26	£1.40	£0.70	£0.32	£0.00	£0.00	£0.00	£0.90	£18.04
<b>Colchester Sub-Total</b>	<b>£225.05</b>	<b>£24.71</b>	<b>£57.98</b>	<b>£7.79</b>	<b>£7.56</b>	<b>£8.58</b>	<b>£2.00</b>	<b>£14.65</b>	<b>£1.97</b>	<b>£18.44</b>	<b>£368.73</b>
Tiptree	£0.48	£0.00	£0.54	£0.00	£0.53	£16.98	£0.00	£0.76	£0.00	£1.02	£20.30
West Mersea	£0.00	£0.00	£4.80	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.25	£5.05
Wivenhoe	£0.00	£0.00	£9.15	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.50	£10.09
Other Colchester Borough	£10.56	£1.31	£0.72	£0.00	£0.00	£0.00	£0.12	£0.65	£0.00	£0.70	£14.07
<b>Other Sub-Total</b>	<b>£11.04</b>	<b>£1.31</b>	<b>£15.22</b>	<b>£0.00</b>	<b>£0.97</b>	<b>£16.98</b>	<b>£0.12</b>	<b>£1.41</b>	<b>£0.00</b>	<b>£2.48</b>	<b>£49.52</b>
<b>Colchester Borough Total</b>	<b>£236.09</b>	<b>£26.02</b>	<b>£73.20</b>	<b>£7.79</b>	<b>£8.53</b>	<b>£25.56</b>	<b>£2.12</b>	<b>£16.06</b>	<b>£1.97</b>	<b>£20.91</b>	<b>£418.25</b>
<b>Elsewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.16	£78.58	£39.42	£131.42
Chelmsford	£0.48	£0.00	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.89	£284.74
Clacton	£1.20	£1.04	£6.52	£113.10	£16.00	£0.00	£0.00	£0.00	£0.00	£7.26	£145.11
Frinton	£0.00	£0.00	£0.54	£0.00	£11.60	£0.00	£0.00	£0.00	£0.00	£0.64	£12.79
Ipswich	£1.20	£13.01	£0.00	£0.00	£0.26	£0.00	£0.00	£0.00	£0.00	£275.02	£289.50
Sudbury	£0.00	£6.02	£0.00	£0.00	£0.00	£0.00	£7.33	£3.85	£0.00	£154.84	£172.05
Other Outside Borough	£0.96	£23.12	£10.33	£6.77	£51.51	£6.35	£20.99	£13.92	£33.49	£71.76	£239.20
<b>Total</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>	<b>£830.83</b>	<b>£1,693.04</b>

**Table 7: Trade Draw of Food Store Commitments at 2017 £Million**

% Trade Draw	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
Tesco Garrison Local Centre	65%	0%	20%	0%	0%	5%	0%	5%	0%	5%	100%
Tesco Express Blackheath	70%	0%	25%	0%	0%	0%	0%	0%	0%	5%	100%
Gosbecks Road Neighbourhood Store	50%	0%	35%	0%	0%	5%	0%	5%	0%	5%	100%
<b>£M Trade Draw</b>											
Tesco Garrison Local Centre	£8.32	£0.00	£2.56	£0.00	£0.00	£0.64	£0.00	£0.64	£0.00	£0.64	£12.80
Tesco Express Blackheath	£1.87	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.67
Gosbecks Road Neighbourhood Store	£7.54	£0.00	£5.28	£0.00	£0.00	£0.75	£0.00	£0.75	£0.00	£0.75	£15.08
<b>Total</b>	<b>£17.73</b>	<b>£0.00</b>	<b>£8.51</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£1.39</b>	<b>£0.00</b>	<b>£1.39</b>	<b>£0.00</b>	<b>£1.53</b>	<b>£30.55</b>

Tesco Garrison store = 1,250 sq.m net at £10,670 per sq.m = £12.80m  
 Tesco Express Blackheath = 250 sq.m net at £10,670 per sq.m = £2.67m  
 Gosbeck Road Food store = 1,250 sq.m net at £12,063 per sq.m = £15.08m

Table 8: Design Year Convenience Expenditure 2017 £Million - With Commitments

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>		<b>£841.30</b>
Tesco Garrison Local Centre	£8.32	£0.00	£2.56	£0.00	£0.00	£0.64	£0.00	£0.64	£0.00	£0.64	£12.80
Tesco Express Blackheath	£1.87	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.67
Gosbecks Road Neighbourhood Store	£7.54	£0.00	£5.28	£0.00	£0.00	£0.75	£0.00	£0.75	£0.00	£0.75	£15.08
Asda, Colchester	£32.68	£5.81	£3.63	£2.04	£1.23	£1.15	£0.36	£2.27	£0.35	£2.78	£52.31
Sainsbury's, Priory Walk, Colchester	£10.53	£0.42	£3.86	£0.00	£0.26	£0.15	£0.36	£0.00	£0.00	£0.86	£16.44
Other Colchester town centre	£13.20	£1.04	£1.85	£0.26	£0.00	£0.00	£0.00	£0.00	£0.00	£0.87	£17.22
Tesco Extra, Colchester	£41.77	£11.77	£5.88	£0.26	£2.64	£0.00	£0.00	£0.14	£0.00	£3.45	£65.90
Tesco, Greenstead Road, Colchester	£20.48	£0.42	£15.29	£0.00	£0.44	£0.27	£0.00	£0.85	£0.00	£2.20	£39.95
Waitrose, Colchester	£14.25	£1.87	£5.76	£1.40	£0.53	£0.24	£0.00	£0.29	£0.46	£1.37	£26.17
Colchester Other	£28.84	£0.69	£5.04	£0.51	£0.26	£0.28	£0.24	£0.77	£0.00	£2.01	£38.64
Sainsbury's, Stanway	£36.10	£2.28	£6.58	£1.91	£1.49	£5.48	£1.04	£9.14	£1.16	£3.75	£68.95
Co-op, Fiveways Retail Park, Stanway	£9.77	£0.42	£2.66	£1.40	£0.70	£0.29	£0.00	£0.00	£0.00	£0.88	£16.13
<b>Colchester Sub-Total</b>	<b>£225.36</b>	<b>£24.71</b>	<b>£59.05</b>	<b>£7.79</b>	<b>£7.56</b>	<b>£9.26</b>	<b>£2.00</b>	<b>£14.86</b>	<b>£1.97</b>	<b>£19.70</b>	<b>£372.26</b>
Tiptree	£0.46	£0.00	£0.50	£0.00	£0.53	£16.36	£0.00	£0.74	£0.00	£1.01	£19.59
West Mersea	£0.00	£0.00	£4.62	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.25	£4.88
Wivenhoe	£0.00	£0.00	£8.64	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.50	£9.59
Other Colchester Borough	£10.31	£1.31	£0.70	£0.00	£0.00	£0.00	£0.12	£0.64	£0.00	£0.70	£13.78
<b>Other Sub-Total</b>	<b>£10.77</b>	<b>£1.31</b>	<b>£14.47</b>	<b>£0.00</b>	<b>£0.97</b>	<b>£16.36</b>	<b>£0.12</b>	<b>£1.37</b>	<b>£0.00</b>	<b>£2.46</b>	<b>£47.83</b>
<b>Colchester Borough Total</b>	<b>£236.13</b>	<b>£26.02</b>	<b>£73.52</b>	<b>£7.79</b>	<b>£8.53</b>	<b>£25.62</b>	<b>£2.12</b>	<b>£16.24</b>	<b>£1.97</b>	<b>£22.16</b>	<b>£420.09</b>
<b>Elsewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.12	£78.58	£39.34	£131.30
Chelmsford	£0.48	£0.00	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.60	£284.45
Clacton	£1.19	£1.04	£6.40	£113.10	£16.00	£0.00	£0.00	£0.00	£0.00	£7.24	£144.97
Frinton	£0.00	£0.00	£0.53	£0.00	£11.60	£0.00	£0.00	£0.00	£0.00	£0.64	£12.77
Ipswich	£1.19	£13.01	£0.00	£0.00	£0.26	£0.00	£0.00	£0.00	£0.00	£274.46	£288.92
Sudbury	£0.00	£6.02	£0.00	£0.00	£0.00	£0.00	£7.33	£3.84	£0.00	£154.69	£171.87
Other Outside Borough	£0.95	£23.12	£10.14	£6.77	£51.51	£6.29	£20.99	£13.80	£33.49	£71.61	£238.67
<b>Total</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>	<b>£851.75</b>	<b>£1,693.04</b>

Table 9: Trade Draw of Sainsbury's Food Store at 2017 £Million

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
% Trade Draw	50%	5%	20%	5%	5%	5%	0%	5%	0%	5%	100%
£M Trade Draw	£24.37	£2.44	£9.75	£2.44	£2.44	£2.44	£0.00	£2.44	£0.00	£2.44	£48.73

Sainsbury's Store = 3,716 sq.m net at £13,115 per sq.m = £48.73m

**Table 10: Design Year Convenience Expenditure 2017 £Million - With Commitments and Sainsbury's**

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>		<b>£841.30</b>
Sainsbury's Lightship Way	£24.37	£2.44	£9.75	£2.44	£2.44	£2.44	£0.00	£2.44	£0.00	£2.44	£48.73
Tesco Garrison Local Centre	£8.07	£0.00	£2.46	£0.00	£0.00	£0.62	£0.00	£0.62	£0.00	£0.64	£12.41
Tesco Express Blackheath	£1.81	£0.00	£0.64	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.59
Gosbecks Road Neighbourhood Store	£7.09	£0.00	£4.86	£0.00	£0.00	£0.71	£0.00	£0.71	£0.00	£0.74	£14.11
Asda, Colchester	£28.76	£5.33	£3.06	£1.81	£1.06	£1.03	£0.36	£1.98	£0.35	£2.71	£46.45
Sainsbury's, Priory Walk, Colchester	£9.58	£0.39	£3.40	£0.00	£0.24	£0.14	£0.36	£0.00	£0.00	£0.84	£14.95
Other Colchester town centre	£12.61	£1.01	£1.74	£0.24	£0.00	£0.00	£0.00	£0.00	£0.00	£0.86	£16.46
Tesco Extra, Colchester	£36.76	£10.78	£4.96	£0.23	£2.28	£0.00	£0.00	£0.13	£0.00	£3.36	£58.48
Tesco, Greenstead Road, Colchester	£16.79	£0.36	£11.68	£0.00	£0.35	£0.22	£0.00	£0.69	£0.00	£2.12	£32.22
Waitrose, Colchester	£12.96	£1.75	£5.08	£1.29	£0.47	£0.22	£0.00	£0.26	£0.46	£1.34	£23.85
Colchester Other	£27.11	£0.66	£4.64	£0.48	£0.25	£0.26	£0.24	£0.72	£0.00	£1.98	£36.35
Sainsbury's, Stanway	£30.68	£2.04	£5.28	£1.65	£1.24	£4.74	£1.04	£7.71	£1.16	£3.63	£59.18
Co-op, Fiveways Retail Park, Stanway	£9.18	£0.40	£2.45	£1.33	£0.66	£0.27	£0.00	£0.00	£0.00	£0.87	£15.16
<b>Colchester Sub-Total</b>	<b>£225.76</b>	<b>£25.16</b>	<b>£60.00</b>	<b>£9.46</b>	<b>£8.98</b>	<b>£10.67</b>	<b>£2.00</b>	<b>£15.26</b>	<b>£1.97</b>	<b>£21.67</b>	<b>£380.94</b>
Tiptree	£0.42	£0.00	£0.44	£0.00	£0.47	£15.03	£0.00	£0.67	£0.00	£0.99	£18.02
West Mersea	£0.00	£0.00	£4.44	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.25	£4.69
Wivenhoe	£0.00	£0.00	£8.30	£0.00	£0.42	£0.00	£0.00	£0.00	£0.00	£0.50	£9.23
Other Colchester Borough	£10.00	£1.29	£0.67	£0.00	£0.00	£0.00	£0.12	£0.62	£0.00	£0.70	£13.40
<b>Other Sub-Total</b>	<b>£10.42</b>	<b>£1.29</b>	<b>£13.86</b>	<b>£0.00</b>	<b>£0.90</b>	<b>£15.03</b>	<b>£0.12</b>	<b>£1.28</b>	<b>£0.00</b>	<b>£2.43</b>	<b>£45.34</b>
<b>Colchester Borough Total</b>	<b>£236.18</b>	<b>£26.44</b>	<b>£73.86</b>	<b>£9.46</b>	<b>£9.88</b>	<b>£25.70</b>	<b>£2.12</b>	<b>£16.55</b>	<b>£1.97</b>	<b>£24.11</b>	<b>£426.27</b>
<b>Elsewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.25	£4.06	£78.58	£39.22	£131.11
Chelmsford	£0.47	£0.00	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.85	£281.15	£283.99
Clacton	£1.17	£1.03	£6.28	£111.52	£15.73	£0.00	£0.00	£0.00	£0.00	£7.22	£142.93
Frinton	£0.00	£0.00	£0.52	£0.00	£11.41	£0.00	£0.00	£0.00	£0.00	£0.64	£12.56
Ipswich	£1.17	£12.88	£0.00	£0.00	£0.26	£0.00	£0.00	£0.00	£0.00	£273.59	£287.89
Sudbury	£0.00	£5.99	£0.00	£0.00	£0.00	£0.00	£7.33	£3.81	£0.00	£154.44	£171.57
Other Outside Borough	£0.93	£22.87	£9.94	£6.67	£50.64	£6.21	£20.99	£13.58	£33.49	£71.39	£236.72
<b>Total</b>	<b>£239.93</b>	<b>£69.21</b>	<b>£90.59</b>	<b>£127.65</b>	<b>£87.90</b>	<b>£31.91</b>	<b>£40.06</b>	<b>£38.14</b>	<b>£115.90</b>	<b>£851.75</b>	<b>£1,693.04</b>



**Table 11: Convenience Expenditure 2019 £Million - With Commitments and Sainsbury's**

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2019</b>	<b>£248.97</b>	<b>£70.85</b>	<b>£93.99</b>	<b>£132.33</b>	<b>£91.16</b>	<b>£32.83</b>	<b>£40.77</b>	<b>£38.99</b>	<b>£117.05</b>		<b>£866.93</b>
Sainsbury's Lightship Way	£25.28	£2.49	£10.11	£2.53	£2.53	£2.51	£0.00	£2.49	£0.00	£2.52	£50.46
Tesco Garrison Local Centre	£8.37	£0.00	£2.55	£0.00	£0.00	£0.64	£0.00	£0.63	£0.00	£0.64	£12.84
Tesco Express Blackheath	£1.88	£0.00	£0.67	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.68
Gosbecks Road Neighbourhood Store	£7.35	£0.00	£5.04	£0.00	£0.00	£0.73	£0.00	£0.72	£0.00	£0.73	£14.58
Asda, Colchester	£29.84	£5.45	£3.17	£1.88	£1.10	£1.06	£0.37	£2.03	£0.35	£2.38	£47.63
Sainsbury's, Priory Walk, Colchester	£9.94	£0.40	£3.53	£0.00	£0.25	£0.15	£0.37	£0.00	£0.00	£0.77	£15.40
Other Colchester town centre	£13.08	£1.03	£1.81	£0.25	£0.00	£0.00	£0.00	£0.00	£0.00	£0.85	£17.02
Tesco Extra, Colchester	£38.14	£11.03	£5.14	£0.24	£2.36	£0.00	£0.00	£0.13	£0.00	£3.00	£60.05
Tesco, Greenstead Road, Colchester	£17.42	£0.37	£12.12	£0.00	£0.36	£0.23	£0.00	£0.71	£0.00	£1.64	£32.85
Waitrose, Colchester	£13.45	£1.79	£5.27	£1.33	£0.49	£0.23	£0.00	£0.27	£0.47	£1.23	£24.53
Colchester Other	£28.13	£0.68	£4.81	£0.50	£0.25	£0.27	£0.24	£0.74	£0.00	£1.88	£37.51
Sainsbury's, Stanway	£31.84	£2.09	£5.48	£1.71	£1.29	£4.88	£1.06	£7.88	£1.17	£3.02	£60.42
Co-op, Fiveways Retail Park, Stanway	£9.53	£0.41	£2.54	£1.37	£0.68	£0.28	£0.00	£0.00	£0.00	£0.78	£15.59
<b>Colchester Sub-Total</b>	<b>£234.27</b>	<b>£25.75</b>	<b>£62.24</b>	<b>£9.81</b>	<b>£9.31</b>	<b>£10.98</b>	<b>£2.04</b>	<b>£15.60</b>	<b>£1.99</b>	<b>£19.58</b>	<b>£391.57</b>
Tiptree	£0.43	£0.00	£0.46	£0.00	£0.49	£15.47	£0.00	£0.68	£0.00	£0.92	£18.45
West Mersea	£0.00	£0.00	£4.61	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.85
Wivenhoe	£0.00	£0.00	£8.61	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.48	£9.53
Other Colchester Borough	£10.38	£1.32	£0.70	£0.00	£0.00	£0.00	£0.12	£0.63	£0.00	£0.69	£13.84
<b>Other Sub-Total</b>	<b>£10.81</b>	<b>£1.32</b>	<b>£14.38</b>	<b>£0.00</b>	<b>£0.93</b>	<b>£15.47</b>	<b>£0.12</b>	<b>£1.31</b>	<b>£0.00</b>	<b>£2.33</b>	<b>£46.68</b>
<b>Colchester Borough Total</b>	<b>£245.08</b>	<b>£27.07</b>	<b>£76.62</b>	<b>£9.81</b>	<b>£10.24</b>	<b>£26.44</b>	<b>£2.16</b>	<b>£16.92</b>	<b>£1.99</b>	<b>£21.91</b>	<b>£438.25</b>
<b>Elsewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.42	£4.15	£79.36	£40.41	£133.34
Chelmsford	£0.49	£0.00	£0.00	£0.00	£0.00	£0.00	£0.37	£0.15	£1.87	£289.72	£292.60
Clacton	£1.21	£1.05	£6.51	£115.61	£16.31	£0.00	£0.00	£0.00	£0.00	£7.44	£148.13
Frinton	£0.00	£0.00	£0.54	£0.00	£11.83	£0.00	£0.00	£0.00	£0.00	£0.66	£13.03
Ipswich	£1.21	£13.18	£0.00	£0.00	£0.27	£0.00	£0.00	£0.00	£0.00	£281.92	£296.58
Sudbury	£0.00	£6.13	£0.00	£0.00	£0.00	£0.00	£7.46	£3.89	£0.00	£159.15	£176.63
Other Outside Borough	£0.97	£23.42	£10.31	£6.92	£52.51	£6.39	£21.36	£13.89	£33.83	£73.56	£243.14
<b>Total</b>	<b>£248.97</b>	<b>£70.85</b>	<b>£93.99</b>	<b>£132.33</b>	<b>£91.16</b>	<b>£32.83</b>	<b>£40.77</b>	<b>£38.99</b>	<b>£117.05</b>		<b>£1,741.70</b>

**Table 12: Trade Draw of Food Store North Colchester Urban Extension at 2019 £Million**

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
% Trade Draw	50%	15%	10%	5%	0%	5%	5%	5%	0%	5%	100%
£M Trade Draw	£14.57	£4.37	£2.91	£1.46	£0.00	£1.46	£1.46	£1.46	£0.00	£1.46	£29.14

Food store = 2,416 sq.m net at £12,063 per sq.m = £29.14m

**Table 13: Convenience Expenditure 2019 £Million - With Commitments, Sainsbury's and Food store at North Colchester Urban Extension**

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2019</b>	<b>£248.97</b>	<b>£70.85</b>	<b>£93.99</b>	<b>£132.33</b>	<b>£91.16</b>	<b>£32.83</b>	<b>£40.77</b>	<b>£38.99</b>	<b>£117.05</b>		<b>£866.93</b>
North Colchester Food Store	£14.57	£4.37	£2.91	£1.46	£0.00	£1.46	£1.46	£1.46	£0.00	£1.46	£29.14
Sainsbury's Lightship Way	£23.66	£2.20	£9.60	£2.32	£2.53	£2.31	£0.00	£2.29	£0.00	£2.49	£47.41
Tesco Garrison Local Centre	£8.24	£0.00	£2.52	£0.00	£0.00	£0.63	£0.00	£0.62	£0.00	£0.64	£12.65
Tesco Express Blackheath	£1.85	£0.00	£0.66	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.13	£2.64
Gosbecks Road Neighbourhood Store	£7.18	£0.00	£4.95	£0.00	£0.00	£0.71	£0.00	£0.70	£0.00	£0.73	£14.27
Asda, Colchester	£26.97	£4.50	£2.93	£1.65	£1.10	£0.94	£0.24	£1.79	£0.35	£2.33	£42.80
Sainsbury's, Priory Walk, Colchester	£9.46	£0.36	£3.40	£0.00	£0.25	£0.14	£0.30	£0.00	£0.00	£0.76	£14.67
Other Colchester town centre	£12.77	£0.98	£1.77	£0.25	£0.00	£0.00	£0.00	£0.00	£0.00	£0.85	£16.62
Tesco Extra, Colchester	£34.48	£9.11	£4.75	£0.21	£2.36	£0.00	£0.00	£0.11	£0.00	£2.94	£53.96
Tesco, Greenstead Road, Colchester	£16.31	£0.33	£11.51	£0.00	£0.36	£0.21	£0.00	£0.65	£0.00	£1.62	£30.99
Waitrose, Colchester	£12.81	£1.64	£5.07	£1.25	£0.49	£0.22	£0.00	£0.25	£0.47	£1.21	£23.41
Colchester Other	£27.23	£0.64	£4.69	£0.48	£0.25	£0.26	£0.22	£0.71	£0.00	£1.86	£36.34
Sainsbury's, Stanway	£29.80	£1.85	£5.20	£1.57	£1.29	£4.50	£0.82	£7.26	£1.17	£2.98	£56.43
Co-op, Fiveways Retail Park, Stanway	£9.15	£0.38	£2.46	£1.30	£0.68	£0.27	£0.00	£0.00	£0.00	£0.77	£15.01
<b>Colchester Sub-Total</b>	<b>£234.47</b>	<b>£26.37</b>	<b>£62.43</b>	<b>£10.48</b>	<b>£9.31</b>	<b>£11.64</b>	<b>£3.04</b>	<b>£15.84</b>	<b>£1.99</b>	<b>£20.75</b>	<b>£396.33</b>
Tiptree	£0.42	£0.00	£0.45	£0.00	£0.49	£14.87	£0.00	£0.65	£0.00	£0.92	£17.79
West Mersea	£0.00	£0.00	£4.58	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.24	£4.82
Wivenhoe	£0.00	£0.00	£8.56	£0.00	£0.44	£0.00	£0.00	£0.00	£0.00	£0.48	£9.48
Other Colchester Borough	£10.22	£1.28	£0.69	£0.00	£0.00	£0.00	£0.12	£0.62	£0.00	£0.69	£13.60
<b>Other Sub-Total</b>	<b>£10.63</b>	<b>£1.28</b>	<b>£14.28</b>	<b>£0.00</b>	<b>£0.93</b>	<b>£14.87</b>	<b>£0.12</b>	<b>£1.27</b>	<b>£0.00</b>	<b>£2.32</b>	<b>£45.70</b>
<b>Colchester Borough Total</b>	<b>£245.11</b>	<b>£27.65</b>	<b>£76.71</b>	<b>£10.48</b>	<b>£10.24</b>	<b>£26.50</b>	<b>£3.15</b>	<b>£17.12</b>	<b>£1.99</b>	<b>£23.08</b>	<b>£442.03</b>
<b>Elsewhere</b>											
Braintree	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£9.15	£4.11	£79.36	£40.34	£132.95
Chelmsford	£0.49	£0.00	£0.00	£0.00	£0.00	£0.00	£0.36	£0.15	£1.87	£289.45	£292.33
Clacton	£1.21	£1.04	£6.49	£115.01	£16.31	£0.00	£0.00	£0.00	£0.00	£7.43	£147.49
Frinton	£0.00	£0.00	£0.54	£0.00	£11.83	£0.00	£0.00	£0.00	£0.00	£0.65	£13.02
Ipswich	£1.20	£12.99	£0.00	£0.00	£0.27	£0.00	£0.00	£0.00	£0.00	£281.40	£295.86
Sudbury	£0.00	£6.09	£0.00	£0.00	£0.00	£0.00	£7.35	£3.87	£0.00	£159.00	£176.31
Other Outside Borough	£0.96	£23.08	£10.25	£6.84	£52.51	£6.32	£20.75	£13.75	£33.83	£73.42	£241.71
<b>Total</b>	<b>£248.97</b>	<b>£70.85</b>	<b>£93.99</b>	<b>£132.33</b>	<b>£91.16</b>	<b>£32.83</b>	<b>£40.77</b>	<b>£38.99</b>	<b>£117.05</b>		<b>£1,741.70</b>

Table 14: Convenience Floorspace and Benchmark Turnover

Town/Store	Sales Floorspace sq.m net	Convenience Sales %	Convenience sq.m net	Turnover Density £ per sq.m net	Total Turnover £Million
Asda, Colchester	5,216	65%	3,390	£12,922	£43.81
Aldi, Magdalen Street Colchester	1,305	60%	783	£7,815	£6.12
Aldi, London Road Colchester	1,614	95%	1,533	£7,815	£11.98
Co-op, Abbots Road, Colchester	1,239	80%	991	£7,378	£7.31
Co-op, Nayland Road, Mile End, Colchester	127	95%	121	£7,378	£0.89
Co-op, Mersea Road, Colchester	641	85%	545	£7,378	£4.02
Co-op, Old Heath Road, Colchester	240	95%	228	£7,378	£1.68
Co-op, Regent Street, Rowhedge, Colchester	109	95%	104	£7,378	£0.76
Co-op, The Centre, Greenstead Estate, Colchester	552	90%	497	£7,378	£3.67
Co-op, The Square, Shrub End, Colchester	176	95%	167	£7,378	£1.23
Co-op, Old Heath Road, Colchester	239	95%	227	£7,378	£1.68
Co-op, Wimpole Road Colchester	279	80%	223	£7,378	£1.65
Co-op, Harwich Road, Colchester	100	98%	98	£7,378	£0.72
Iceland, St John's Walk, Colchester	432	95%	410	£7,025	£2.88
Iceland, Turner Rise, Colchester	487	95%	463	£7,025	£3.25
Marks & Spencer, Colchester	1,059	100%	1,059	£10,837	£11.48
Sainsbury's, Priory Walk, Colchester	1,235	90%	1,112	£13,115	£14.58
Tesco, Greenstead Road, Colchester	5,192	60%	3,115	£10,670	£33.24
Tesco Extra, Colchester	6,241	60%	3,745	£10,670	£39.95
Tesco Express, Crouch Street	315	95%	299	£10,670	£3.19
Tesco Express, Bromley Road	130	95%	124	£10,670	£1.32
Tesco Express, Magdalen Street	250	95%	238	£10,670	£2.53
Tesco Express, St Christopher Road	192	95%	182	£10,670	£1.95
Waitrose, Colchester	2,209	75%	1,657	£11,426	£18.93
Small Convenience shops	3,200	99%	3,168	£4,500	£14.26
<b>Colchester Total</b>	<b>32,779</b>		<b>24,478</b>		<b>£233.08</b>
Co-op, Fiveways Retail Park, Stanway, Colchester	3,901	75%	2,926	£7,378	£21.59
Sainsbury's, Stanway, Colchester	9,027	60%	5,416	£13,115	£71.03
Iceland, Tollgate Centre, Colchester	439	95%	417	£7,265	£3.03
<b>Stanway Total</b>	<b>13,367</b>		<b>8,759</b>		<b>£95.65</b>
Asda, Tiptree	1,115	85%	948	£12,922	£12.25
Tesco, Tiptree	1,697	85%	1,442	£10,670	£15.39
Local Shops	320	99%	317	£4,500	£1.43
<b>Tiptree Total</b>	<b>3,132</b>		<b>2,707</b>		<b>£29.06</b>
Co-op, Barfield Road, West Mersea	855	90%	770	£7,378	£5.68
Tesco Express, West Mersea	280	90%	204	£10,670	£2.18
Local Shops	202	99%	200	£4,500	£0.90
<b>West Mersea Total</b>	<b>1,337</b>		<b>1,173</b>		<b>£8.75</b>
Co-op, The Avenue, Wivenhoe	628	85%	534	£7,378	£3.94
Local Shops	108	99%	107	£4,500	£0.48
<b>Wivenhoe Total</b>	<b>736</b>		<b>641</b>		<b>£4.42</b>
<b>GRAND TOTAL</b>	<b>51,351</b>		<b>37,758</b>		<b>£370.97</b>

Sources: Institute of Grocery Distribution, Verdict, VOA and Goad Plans

Table 15: Summary of Convenience Goods Impacts at 2017 (£ millions)

Centre/Facilities	Base Year 2014	Design Year (no stores) 2017	Design Year (commitments) 2017	% Impact (commitments) 2017	Design Year (Sainsbury's) 2017	% Impact Cumulative 2017	Benchmark Average Turnover	% Trading Above/Below Benchmark
Sainsbury's Lightship Way	n/a	n/a	n/a	n/a	£48.73	n/a	£48.73	0.0%
Tesco Garrison Local Centre	n/a	n/a	£12.80	n/a	£12.41	n/a	£12.08	2.7%
Tesco Express Blackheath	n/a	n/a	£2.67	n/a	£2.59	n/a	£2.67	-3.1%
Gosbecks Road Neighbourhood Store	n/a	n/a	£15.08	n/a	£14.11	n/a	£15.08	-6.4%
Asda, Colchester	£54.00	£56.56	£52.31	-7.5%	£46.45	-17.9%	£43.81	6.0%
Sainsbury's, Priory Walk, Colchester	£16.43	£17.27	£16.44	-4.8%	£14.95	-13.4%	£14.58	2.6%
Other Colchester town centre	£16.66	£17.51	£17.22	-1.6%	£16.46	-6.0%	£17.55	-6.2%
Tesco Extra, Colchester	£66.61	£69.78	£65.90	-5.6%	£58.48	-16.2%	£39.95	46.4%
Tesco, Greenstead Road, Colchester	£42.62	£44.79	£39.95	-10.8%	£32.22	-28.1%	£33.24	-3.1%
Waitrose, Colchester	£26.38	£27.66	£26.17	-5.4%	£23.85	-13.8%	£18.93	26.0%
Colchester Other	£38.52	£40.49	£38.64	-4.6%	£36.35	-10.2%	£68.05	-46.6%
Sainsbury's, Stanway	£73.33	£76.64	£68.95	-10.0%	£59.18	-22.8%	£71.03	-16.7%
Co-op, Fiveways Retail Park, Stanway	£17.17	£18.04	£16.13	-10.6%	£15.16	-16.0%	£21.59	-29.8%
<b>Colchester Sub-Total</b>	<b>£351.72</b>	<b>£368.73</b>	<b>£372.26</b>		<b>£380.94</b>		<b>£407.29</b>	
Tiptree	£19.59	£20.30	£19.59	-3.5%	£18.02	-11.2%	£29.06	-38.0%
West Mersea	£4.81	£5.05	£4.88	-3.5%	£4.69	-7.2%	£8.75	-46.4%
Wivenhoe	£9.61	£10.09	£9.59	-5.0%	£9.23	-8.6%	£4.42	108.8%
Other Colchester Borough	£13.42	£14.07	£13.78	-2.0%	£13.40	-4.8%	n/a	n/a
<b>Other Sub-Total</b>	<b>£27.85</b>	<b>£29.22</b>	<b>£28.25</b>		<b>£27.32</b>		<b>£13.17</b>	
<b>Colchester Borough Total</b>	<b>£379.57</b>	<b>£397.94</b>	<b>£400.51</b>		<b>£408.25</b>		<b>£420.47</b>	
<b>Elsewhere</b>								
Braintree	£130.08	£131.42	£131.30	-0.1%	£131.11	-0.2%	n/a	n/a
Chelmsford	£279.71	£284.74	£284.45	-0.1%	£283.99	-0.3%	n/a	n/a
Clacton	£138.44	£145.11	£144.97	-0.1%	£142.93	-1.5%	n/a	n/a
Frinton	£12.20	£12.79	£12.77	-0.1%	£12.56	-1.7%	n/a	n/a
Ipswich	£281.44	£289.50	£288.92	-0.2%	£287.89	-0.6%	n/a	n/a
Sudbury	£168.23	£172.05	£171.87	-0.1%	£171.57	-0.3%	n/a	n/a
Other Outside Borough	£232.01	£239.20	£238.67	-0.2%	£236.72	-1.0%	n/a	n/a
<b>Total</b>	<b>£1,621.67</b>	<b>£1,672.74</b>	<b>£1,673.46</b>		<b>£1,675.02</b>			

**Table 16: Summary of Convenience Goods Impacts at 2019 (£ millions)**

Centre/Facilities	Base Year 2014	Horizon Year (without NCUE) 2019	Horizon Year (with NCUE) 2019	% Impact (NCUE) 2019	% Impact Cumulative 2014 trading	Benchmark Average Turnover	% Trading Above/Below Benchmark
North Colchester Food Store	n/a	n/a	£29.14	n/a	n/a	£29.14	n/a
Sainsbury's Lightship Way	n/a	£50.46	£47.41	n/a	n/a	£48.73	-2.7%
Tesco Garrison Local Centre	n/a	£12.84	£12.65	n/a	n/a	£12.08	4.7%
Tesco Express Blackheath	n/a	£2.68	£2.64	n/a	n/a	£2.67	-1.1%
Gosbecks Road Neighbourhood Store	n/a	£14.58	£14.27	n/a	n/a	£15.08	-5.4%
Asda, Colchester	£54.00	£47.63	£42.80	-10.1%	-20.7%	£43.81	-2.3%
Sainsbury's, Priory Walk, Colchester	£16.43	£15.40	£14.67	-4.7%	-10.7%	£14.58	0.7%
Other Colchester town centre	£16.66	£17.02	£16.62	-2.4%	-0.2%	£17.55	-5.3%
Tesco Extra, Colchester	£42.62	£60.05	£53.96	-10.1%	-19.0%	£39.95	35.1%
Tesco, Greenstead Road, Colchester	£26.38	£32.85	£30.99	-5.7%	-27.3%	£33.24	-6.8%
Waitrose, Colchester	£38.52	£37.51	£23.41	-4.6%	-11.3%	£18.93	23.6%
Colchester Other	£73.33	£60.42	£36.34	-3.1%	-5.6%	£68.05	-46.6%
Sainsbury's, Stanway	£17.17	£15.59	£56.43	-6.6%	-23.1%	£71.03	-20.6%
Co-op, Fiveways Retail Park, Stanway			£15.01	-3.7%	-12.6%	£21.59	-30.5%
<b>Colchester Sub-Total</b>	<b>£351.72</b>	<b>£391.57</b>	<b>£396.33</b>			<b>£436.43</b>	
Tiptree	£19.59	£18.45	£17.79	-3.6%	-9.2%	£29.06	-38.8%
West Mersea	£4.81	£4.85	£4.82	-0.6%	0.2%	£8.75	-44.9%
Wivenhoe	£9.61	£9.53	£9.48	-0.6%	-1.4%	£4.42	114.4%
Other Colchester Borough	£13.42	£13.84	£13.60	-1.7%	1.4%	n/a	n/a
<b>Other Sub-Total</b>	<b>£27.85</b>	<b>£28.22</b>	<b>£27.90</b>			<b>£13.17</b>	
<b>Colchester Borough Total</b>	<b>£379.57</b>	<b>£419.80</b>	<b>£424.23</b>			<b>£449.61</b>	
<b>Elsewhere</b>							
Braintree	£130.08	£133.34	£132.95	-0.3%	2.2%	n/a	n/a
Chelmsford	£279.71	£292.60	£292.33	-0.1%	4.5%	n/a	n/a
Clacton	£138.44	£148.13	£147.49	-0.4%	6.5%	n/a	n/a
Frinton	£12.20	£13.03	£13.02	0.0%	6.7%	n/a	n/a
Ipswich	£281.44	£296.58	£295.86	-0.2%	5.1%	n/a	n/a
Sudbury	£168.23	£176.63	£176.31	-0.2%	4.8%	n/a	n/a
Other Outside Borough	£232.01	£243.14	£241.71	-0.6%	4.2%	n/a	n/a
<b>Total</b>	<b>£1,621.67</b>	<b>£1,723.24</b>	<b>£1,723.90</b>				

## Appendix 2 Comparison Goods Impact

**Table 1: Comparison Goods Expenditure Per Capita (2011 Prices)**

Expenditure Per Capita	2014	2017	2019
Zone 1: Colchester	£2,729	£2,896	£3,021
Zone 2 - Colchester Rural North	£3,180	£3,375	£3,520
Zone 3 - Colchester Rural South	£3,051	£3,238	£3,377
Zone 4 - Clacton	£2,441	£2,591	£2,702
Zone 5 - Frinton/Harwich	£2,682	£2,846	£2,963
Zone 6 - Tiptree/Kelvedon	£3,192	£3,388	£3,533
Zone 7 - Halstead	£2,963	£3,145	£3,279
Zone 8 - Coggeshall	£3,246	£3,445	£3,592
Zone 9 - Braintree	£3,062	£3,250	£3,389

Sources:

Experian local estimates for 2011 comparison goods expenditure per capita

(Excluding special forms of trading)

Experian Business Strategies - recommended forecast growth rates October 2013



**Table 2: Total Available Comparison Goods Expenditure (£M - 2011 Prices)**

Zone	2014	2017	2019	Growth 2014-2017	Growth 2014-2019
Zone 1: Colchester	£366.81	£406.57	£435.26	10.8%	18.7%
Zone 2 - Colchester Rural North	£110.00	£118.69	£125.38	7.9%	14.0%
Zone 3 - Colchester Rural South	£140.32	£155.05	£165.91	10.5%	18.2%
Zone 4 - Clacton	£165.69	£182.73	£195.50	10.3%	18.0%
Zone 5 - Frinton/Harwich	£122.52	£135.08	£144.28	10.3%	17.8%
Zone 6 - Tiptree/Kelvedon	£52.49	£57.20	£60.69	9.0%	15.6%
Zone 7 - Halstead	£62.89	£67.41	£70.76	7.2%	12.5%
Zone 8 - Coggeshall	£63.15	£68.12	£71.83	7.9%	13.7%
Zone 9 - Braintree	£192.18	£203.94	£212.47	6.1%	10.6%
<b>Total</b>	<b>£1,276.04</b>	<b>£1,394.79</b>	<b>£1,482.09</b>	<b>9.3%</b>	<b>16.1%</b>

Sources: Table 1 Appendix 1 and Table 1 Appendix 2

**Table 3: Comparison Shopping Penetration Rates 2012**

Centre/Facilities	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow
Colchester	61.6%	42.6%	60.7%	27.6%	49.9%	50.2%	26.1%	39.6%	5.7%	5.0%
Colchester food stores	4.6%	0.3%	2.3%	0.1%	1.0%	1.0%	0.1%	1.0%	0.0%	5.0%
B&Q Colchester	4.0%	1.0%	3.0%	0.2%	2.0%	0.5%	0.1%	0.5%	0.0%	5.0%
Colchester retail warehouses	17.4%	9.8%	15.4%	4.4%	7.9%	12.9%	6.6%	15.0%	1.4%	5.0%
Tiptree	0.1%	0.0%	0.0%	0.0%	0.0%	5.4%	0.2%	0.2%	0.2%	5.0%
West Mersea	0.0%	0.0%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
<b>Borough Total</b>	<b>87.7%</b>	<b>53.7%</b>	<b>82.7%</b>	<b>32.3%</b>	<b>60.8%</b>	<b>70.0%</b>	<b>33.1%</b>	<b>56.3%</b>	<b>7.3%</b>	
Braintree	1.1%	0.4%	2.0%	0.8%	0.3%	12.8%	31.6%	17.5%	63.1%	30.0%
Chelmsford	1.1%	0.1%	0.9%	0.3%	1.1%	7.7%	2.9%	1.0%	18.7%	95.0%
Clacton	0.5%	2.3%	3.7%	59.9%	12.2%	0.0%	0.0%	0.0%	0.0%	5.0%
Frinton	0.0%	0.0%	1.3%	0.5%	6.9%	0.0%	0.0%	0.0%	0.0%	5.0%
Ipswich	4.3%	27.7%	3.8%	3.8%	4.6%	0.2%	0.3%	0.0%	0.1%	95.0%
Sudbury	0.2%	2.4%	0.0%	0.0%	0.0%	1.5%	9.2%	8.3%	0.1%	90.0%
Other Outside Borough	5.1%	13.4%	5.6%	2.4%	14.1%	7.8%	22.9%	16.9%	10.7%	30.0%
<b>Market Share Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	

Source: NEMS Household Survey, September 2012 and Braintree District Council Retail Study Update 2012

Table 4: Base Year Comparison Expenditure 2014 £Million

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2014</b>	<b>£366.81</b>	<b>£110.00</b>	<b>£140.32</b>	<b>£165.69</b>	<b>£122.52</b>	<b>£52.49</b>	<b>£62.89</b>	<b>£63.15</b>	<b>£192.18</b>		<b>£1,276.04</b>
Colchester	£225.95	£46.86	£85.17	£45.73	£61.14	£26.35	£16.41	£25.01	£10.95	£28.61	£572.19
Colchester food stores	£16.87	£0.33	£3.23	£0.17	£1.23	£0.52	£0.06	£0.63	£0.00	£1.21	£24.25
B&Q Colchester	£14.67	£1.10	£4.21	£0.33	£2.45	£0.26	£0.06	£0.32	£0.00	£1.23	£24.64
Colchester retail warehouses	£63.82	£10.78	£21.61	£7.29	£9.68	£6.77	£4.15	£9.47	£2.69	£7.17	£143.44
Tiptree	£0.37	£0.00	£0.00	£0.00	£0.00	£2.83	£0.13	£0.13	£0.38	£0.20	£4.04
West Mersea	£0.00	£0.00	£1.82	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.10	£1.92
<b>Borough Total</b>	<b>£321.69</b>	<b>£59.07</b>	<b>£116.04</b>	<b>£53.52</b>	<b>£74.49</b>	<b>£36.74</b>	<b>£20.82</b>	<b>£35.55</b>	<b>£14.03</b>	<b>£38.52</b>	<b>£770.48</b>
Braintree	£4.03	£0.44	£2.81	£1.33	£0.37	£6.72	£19.87	£11.05	£121.26	£71.95	£239.83
Chelmsford	£4.03	£0.11	£1.26	£0.50	£1.35	£4.04	£1.82	£0.63	£35.94	£944.04	£993.73
Clacton	£1.83	£2.53	£5.19	£99.25	£14.95	£0.00	£0.00	£0.00	£0.00	£6.51	£130.26
Frinton	£0.00	£0.00	£1.82	£0.83	£8.45	£0.00	£0.00	£0.00	£0.00	£0.58	£11.69
Ipswich	£15.77	£30.47	£5.33	£6.30	£5.64	£0.10	£0.19	£0.00	£0.19	£1,215.87	£1,279.86
Sudbury	£0.73	£2.64	£0.00	£0.00	£0.00	£0.79	£5.79	£5.24	£0.19	£138.42	£153.80
Other Outside Borough	£18.71	£14.74	£7.86	£3.98	£17.28	£4.09	£14.40	£10.67	£20.56	£48.12	£160.41
<b>Total</b>	<b>£366.81</b>	<b>£110.00</b>	<b>£140.32</b>	<b>£165.69</b>	<b>£122.52</b>	<b>£52.49</b>	<b>£62.89</b>	<b>£63.15</b>	<b>£192.18</b>		<b>£2,746.34</b>

Table 5: Design Year Comparison Expenditure 2017 £Million - No Development

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£1,394.79</b>
Colchester	£250.45	£50.56	£94.11	£50.43	£67.41	£28.71	£17.59	£26.97	£11.62	£31.47	£629.34
Colchester food stores	£18.70	£0.36	£3.57	£0.18	£1.35	£0.57	£0.07	£0.68	£0.00	£1.34	£26.82
B&Q Colchester	£16.26	£1.19	£4.65	£0.37	£2.70	£0.29	£0.07	£0.34	£0.00	£1.36	£27.22
Colchester retail warehouses	£70.74	£11.63	£23.88	£8.04	£10.67	£7.38	£4.45	£10.22	£2.86	£7.89	£157.75
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.09	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.02	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
<b>Borough Total</b>	<b>£356.56</b>	<b>£63.74</b>	<b>£128.22</b>	<b>£59.02</b>	<b>£82.13</b>	<b>£40.04</b>	<b>£22.31</b>	<b>£38.35</b>	<b>£14.89</b>	<b>£42.38</b>	<b>£847.65</b>
Braintree	£4.47	£0.47	£3.10	£1.46	£0.41	£7.32	£21.30	£11.92	£128.68	£76.78	£255.92
Chelmsford	£4.47	£0.12	£1.40	£0.55	£1.49	£4.40	£1.95	£0.68	£38.14	£1,010.74	£1,063.94
Clacton	£2.03	£2.73	£5.74	£109.46	£16.48	£0.00	£0.00	£0.00	£0.00	£7.18	£143.62
Frinton	£0.00	£0.00	£2.02	£0.91	£9.32	£0.00	£0.00	£0.00	£0.00	£0.64	£12.89
Ipswich	£17.48	£32.88	£5.89	£6.94	£6.21	£0.11	£0.20	£0.00	£0.20	£1,328.66	£1,398.59
Sudbury	£0.81	£2.85	£0.00	£0.00	£0.00	£0.86	£6.20	£5.65	£0.20	£149.22	£165.79
Other Outside Borough	£20.74	£15.90	£8.68	£4.39	£19.05	£4.46	£15.44	£11.51	£21.82	£52.28	£174.27
<b>Total</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£2,998.73</b>

Table 6: Design Year Comparison Expenditure 2017 £Million - With William & Griffin Improvements

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£1,394.79</b>
Williams & Griffin	£6.96	£1.41	£2.62	£1.40	£1.87	£0.80	£0.49	£0.75	£0.32	£0.88	£17.50
Colchester	£244.35	£49.42	£91.77	£49.18	£65.69	£28.04	£17.26	£26.38	£11.56	£31.42	£615.07
Colchester food stores	£18.53	£0.35	£3.53	£0.18	£1.34	£0.57	£0.07	£0.68	£0.00	£1.34	£26.59
B&Q Colchester	£16.16	£1.18	£4.62	£0.36	£2.68	£0.28	£0.07	£0.34	£0.00	£1.36	£27.06
Colchester retail warehouses	£70.31	£11.57	£23.73	£7.99	£10.60	£7.34	£4.43	£10.16	£2.85	£7.88	£156.86
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.09	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
<b>Borough Total</b>	<b>£356.72</b>	<b>£63.93</b>	<b>£128.29</b>	<b>£59.11</b>	<b>£82.19</b>	<b>£40.11</b>	<b>£22.44</b>	<b>£38.44</b>	<b>£15.13</b>	<b>£43.22</b>	<b>£849.59</b>
Braintree	£4.45	£0.47	£3.08	£1.45	£0.40	£7.28	£21.20	£11.85	£128.49	£76.75	£255.43
Chelmsford	£4.45	£0.12	£1.39	£0.54	£1.48	£4.38	£1.95	£0.68	£38.08	£1,010.41	£1,063.46
Clacton	£2.03	£2.73	£5.73	£109.42	£16.48	£0.00	£0.00	£0.00	£0.00	£7.18	£143.57
Frinton	£0.00	£0.00	£2.01	£0.91	£9.32	£0.00	£0.00	£0.00	£0.00	£0.64	£12.89
Ipswich	£17.38	£32.69	£5.86	£6.90	£6.17	£0.11	£0.20	£0.00	£0.20	£1,328.22	£1,397.74
Sudbury	£0.81	£2.84	£0.00	£0.00	£0.00	£0.86	£6.19	£5.64	£0.20	£149.19	£165.73
Other Outside Borough	£20.74	£15.90	£8.68	£4.39	£19.05	£4.46	£15.44	£11.51	£21.82	£52.28	£174.27
<b>Total</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£2,999.22</b>

Table 7: Design Year Comparison Expenditure 2017 £Million - B&Q Store 20% reduction

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£1,394.79</b>
Williams & Griffin	£6.98	£1.41	£2.63	£1.40	£1.88	£0.80	£0.49	£0.75	£0.32	£0.88	£17.54
Colchester	£245.00	£49.48	£91.97	£49.20	£65.86	£28.05	£17.26	£26.39	£11.56	£31.43	£616.18
Colchester food stores	£18.55	£0.35	£3.54	£0.18	£1.34	£0.57	£0.07	£0.68	£0.00	£1.34	£26.61
B&Q Colchester	£12.93	£0.94	£3.70	£0.29	£2.15	£0.23	£0.05	£0.27	£0.00	£1.09	£21.65
Colchester retail warehouses	£72.81	£11.72	£24.42	£8.04	£10.95	£7.38	£4.44	£10.21	£2.85	£7.90	£160.72
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.09	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
<b>Borough Total</b>	<b>£356.67</b>	<b>£63.91</b>	<b>£128.27</b>	<b>£59.11</b>	<b>£82.17</b>	<b>£40.11</b>	<b>£22.44</b>	<b>£38.43</b>	<b>£15.13</b>	<b>£42.97</b>	<b>£849.21</b>
Braintree	£4.45	£0.47	£3.09	£1.45	£0.40	£7.28	£21.20	£11.86	£128.49	£76.76	£255.46
Chelmsford	£4.45	£0.12	£1.39	£0.54	£1.48	£4.38	£1.95	£0.68	£38.08	£1,010.51	£1,063.57
Clacton	£2.03	£2.73	£5.74	£109.43	£16.48	£0.00	£0.00	£0.00	£0.00	£7.18	£143.58
Frinton	£0.00	£0.00	£2.02	£0.91	£9.32	£0.00	£0.00	£0.00	£0.00	£0.64	£12.89
Ipswich	£17.41	£32.71	£5.86	£6.90	£6.18	£0.11	£0.20	£0.00	£0.20	£1,328.35	£1,397.94
Sudbury	£0.81	£2.84	£0.00	£0.00	£0.00	£0.86	£6.19	£5.64	£0.20	£149.20	£165.74
Other Outside Borough	£20.74	£15.91	£8.68	£4.39	£19.05	£4.46	£15.44	£11.51	£21.82	£52.28	£174.28
<b>Total</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£2,999.10</b>

Table 8: Comparison Goods Trade Draw of Proposed Sainsbury's Food Store at 2017 £Million

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>% Trade Draw</b>	50%	5%	20%	5%	5%	5%	0%	5%	0%	5%	100%
<b>£M Trade Draw</b>	£8.19	£0.82	£3.28	£0.82	£0.82	£0.82	£0.00	£0.82	£0.00	£0.82	£16.38

Sainsbury's Store = 3,115 sq.m net at £5,258 per sq.m = £16.38m

Table 9: Design Year Comparison Expenditure 2017 £Million - With Proposed Sainsbury's Store

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2017</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£1,394.79</b>
Sainsbury Store	£8.19	£0.82	£3.28	£0.82	£0.82	£0.82	£0.00	£0.82	£0.00	£0.82	£16.38
Williams & Griffin	£6.81	£1.40	£2.56	£1.38	£1.86	£0.79	£0.49	£0.74	£0.32	£0.88	£17.22
Colchester	£239.06	£49.00	£89.48	£48.60	£65.21	£27.52	£17.26	£25.92	£11.56	£31.42	£605.00
Colchester food stores	£17.87	£0.35	£3.39	£0.18	£1.32	£0.55	£0.07	£0.66	£0.00	£1.34	£25.72
B&Q Colchester	£12.93	£0.94	£3.70	£0.29	£2.15	£0.23	£0.05	£0.27	£0.00	£1.09	£21.65
Colchester retail warehouses	£71.92	£11.67	£24.09	£7.99	£10.90	£7.31	£4.44	£10.12	£2.85	£7.90	£159.18
Tiptree	£0.41	£0.00	£0.00	£0.00	£0.00	£3.08	£0.13	£0.14	£0.41	£0.22	£4.39
West Mersea	£0.00	£0.00	£2.01	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.12
<b>Borough Total</b>	<b>£357.19</b>	<b>£64.17</b>	<b>£128.50</b>	<b>£59.26</b>	<b>£82.25</b>	<b>£40.29</b>	<b>£22.44</b>	<b>£38.66</b>	<b>£15.13</b>	<b>£43.77</b>	<b>£851.67</b>
Braintree	£4.37	£0.47	£3.02	£1.44	£0.40	£7.18	£21.20	£11.70	£128.49	£76.73	£255.01
Chelmsford	£4.37	£0.12	£1.36	£0.54	£1.47	£4.32	£1.95	£0.67	£38.08	£1,010.19	£1,063.05
Clacton	£2.03	£2.73	£5.73	£109.36	£16.47	£0.00	£0.00	£0.00	£0.00	£7.18	£143.50
Frinton	£0.00	£0.00	£2.01	£0.91	£9.31	£0.00	£0.00	£0.00	£0.00	£0.64	£12.88
Ipswich	£17.09	£32.48	£5.74	£6.84	£6.14	£0.11	£0.20	£0.00	£0.20	£1,327.93	£1,396.74
Sudbury	£0.80	£2.83	£0.00	£0.00	£0.00	£0.85	£6.19	£5.59	£0.20	£149.17	£165.62
Other Outside Borough	£20.71	£15.90	£8.67	£4.38	£19.04	£4.46	£15.44	£11.50	£21.82	£52.28	£174.21
<b>Total</b>	<b>£406.57</b>	<b>£118.69</b>	<b>£155.05</b>	<b>£182.73</b>	<b>£135.08</b>	<b>£57.20</b>	<b>£67.41</b>	<b>£68.12</b>	<b>£203.94</b>		<b>£2,999.62</b>

Table 10: Horizon Year Comparison Expenditure 2019 £Million - With Sainsbury's Store

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2019</b>	<b>£435.26</b>	<b>£125.38</b>	<b>£165.91</b>	<b>£195.50</b>	<b>£144.28</b>	<b>£60.69</b>	<b>£70.76</b>	<b>£71.83</b>	<b>£212.47</b>		<b>£1,482.09</b>
Sainsbury's	£8.77	£0.87	£3.51	£0.88	£0.87	£0.87	£0.00	£0.86	£0.00	£0.87	£17.50
Williams & Griffin	£7.29	£1.48	£2.73	£1.48	£1.98	£0.83	£0.51	£0.78	£0.33	£0.92	£18.34
Colchester	£255.93	£51.76	£95.75	£52.00	£69.65	£29.20	£18.11	£27.33	£12.04	£32.20	£643.96
Colchester food stores	£19.13	£0.37	£3.63	£0.19	£1.41	£0.58	£0.07	£0.69	£0.00	£1.37	£27.45
B&Q Cochester	£13.84	£1.00	£3.96	£0.31	£2.29	£0.24	£0.06	£0.29	£0.00	£1.16	£23.14
Colchester retail warehouses	£77.00	£12.33	£25.78	£8.54	£11.64	£7.75	£4.66	£10.67	£2.97	£8.49	£169.84
Tiptree	£0.43	£0.00	£0.00	£0.00	£0.00	£3.27	£0.14	£0.14	£0.42	£0.23	£4.65
West Mersea	£0.00	£0.00	£2.15	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.27
<b>Borough Total</b>	<b>£382.40</b>	<b>£67.79</b>	<b>£137.51</b>	<b>£63.40</b>	<b>£87.85</b>	<b>£42.75</b>	<b>£23.55</b>	<b>£40.76</b>	<b>£15.77</b>	<b>£45.36</b>	<b>£907.14</b>
Braintree	£4.68	£0.50	£3.24	£1.54	£0.43	£7.61	£22.25	£12.34	£133.87	£81.54	£267.99
Chelmsford	£4.68	£0.12	£1.46	£0.58	£1.57	£4.58	£2.04	£0.70	£39.67	£1,073.41	£1,128.82
Clacton	£2.17	£2.88	£6.13	£117.00	£17.59	£0.00	£0.00	£0.00	£0.00	£7.63	£153.40
Frinton	£0.00	£0.00	£2.15	£0.98	£9.95	£0.00	£0.00	£0.00	£0.00	£0.69	£13.76
Ipswich	£18.30	£34.31	£6.15	£7.32	£6.56	£0.12	£0.21	£0.00	£0.21	£1,411.05	£1,484.22
Sudbury	£0.86	£2.99	£0.00	£0.00	£0.00	£0.90	£6.49	£5.89	£0.21	£158.50	£175.85
Other Outside Borough	£22.18	£16.79	£9.28	£4.69	£20.34	£4.73	£16.20	£12.13	£22.73	£55.55	£184.62
<b>Total</b>	<b>£435.26</b>	<b>£125.38</b>	<b>£165.91</b>	<b>£195.50</b>	<b>£144.28</b>	<b>£60.69</b>	<b>£70.76</b>	<b>£71.83</b>	<b>£212.47</b>		<b>£3,186.99</b>

Table 11: Horizon Year Comparison Expenditure 2019 £Million - With North Colchester UE

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Inflow	Total
<b>Expenditure 2019</b>	<b>£435.26</b>	<b>£125.38</b>	<b>£165.91</b>	<b>£195.50</b>	<b>£144.28</b>	<b>£60.69</b>	<b>£70.76</b>	<b>£71.83</b>	<b>£212.47</b>		<b>£1,482.09</b>
North Colchester UE	£6.60	£1.10	£0.10	£0.00	£0.00	£0.10	£0.45	£0.10	£0.10	£0.45	£9.00
Sainsbury's	£8.57	£0.85	£3.50	£0.88	£0.87	£0.87	£0.00	£0.86	£0.00	£0.87	£17.27
Williams & Griffin	£7.18	£1.46	£2.73	£1.48	£1.98	£0.83	£0.51	£0.78	£0.33	£0.92	£18.21
Colchester	£252.03	£51.16	£95.69	£52.00	£69.65	£29.14	£17.94	£27.28	£12.03	£32.19	£639.10
Colchester food stores	£18.41	£0.36	£3.62	£0.19	£1.41	£0.58	£0.07	£0.69	£0.00	£1.37	£26.70
B&Q Colchester	£13.74	£0.99	£3.96	£0.31	£2.29	£0.24	£0.06	£0.29	£0.00	£1.16	£23.03
Colchester retail warehouses	£75.83	£12.18	£25.76	£8.54	£11.64	£7.74	£4.61	£10.66	£2.97	£8.49	£168.42
Tiptree	£0.43	£0.00	£0.00	£0.00	£0.00	£3.27	£0.14	£0.14	£0.42	£0.23	£4.65
West Mersea	£0.00	£0.00	£2.15	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.11	£2.27
<b>Borough Total</b>	<b>£382.79</b>	<b>£68.11</b>	<b>£137.52</b>	<b>£63.40</b>	<b>£87.85</b>	<b>£42.77</b>	<b>£23.78</b>	<b>£40.79</b>	<b>£15.85</b>	<b>£45.79</b>	<b>£899.64</b>
Braintree	£4.64	£0.49	£3.23	£1.54	£0.43	£7.61	£22.15	£12.33	£133.81	£81.52	£267.76
Chelmsford	£4.64	£0.12	£1.46	£0.58	£1.57	£4.58	£2.03	£0.70	£39.66	£1,073.25	£1,128.58
Clacton	£2.17	£2.88	£6.13	£117.00	£17.59	£0.00	£0.00	£0.00	£0.00	£7.63	£153.40
Frinton	£0.00	£0.00	£2.15	£0.98	£9.95	£0.00	£0.00	£0.00	£0.00	£0.69	£13.76
Ipswich	£18.16	£34.11	£6.15	£7.32	£6.56	£0.12	£0.21	£0.00	£0.21	£1,410.83	£1,483.65
Sudbury	£0.85	£2.97	£0.00	£0.00	£0.00	£0.90	£6.46	£5.89	£0.21	£158.48	£175.76
Other Outside Borough	£22.01	£16.70	£9.28	£4.69	£20.34	£4.72	£16.13	£12.12	£22.72	£55.54	£184.24
<b>Total</b>	<b>£435.26</b>	<b>£125.38</b>	<b>£165.91</b>	<b>£195.50</b>	<b>£144.28</b>	<b>£60.69</b>	<b>£70.76</b>	<b>£71.83</b>	<b>£212.47</b>		<b>£3,178.23</b>



**Table 12: Summary of Comparison Goods Impacts 2017 (£ millions)**

Centre/Facilities	Base Year 2014	Design Year (no stores) 2017	Design Year (W&G) 2017	Design Year (B&Q reduced) 2017	Design Year (Sainsbury's) 2017	% Impact Cumulative 2017
Sainsbury's	n/a	n/a	n/a	n/a	£16.38	n/a
Williams & Griffin	n/a	n/a	£17.50	£17.54	£17.22	n/a
Colchester	£572.19	£629.34	£615.07	£616.18	£605.00	-3.9%
Colchester food stores	£24.25	£26.82	£26.59	£26.61	£25.72	-4.1%
B&Q Cochester	£24.64	£27.22	£27.06	£21.65	£21.65	-20.5%
Colchester retail warehouses	£143.44	£157.75	£156.86	£160.72	£159.18	0.9%
Tiptree	£4.04	£4.39	£4.39	£4.39	£4.39	-0.1%
West Mersea	£1.92	£2.12	£2.12	£2.12	£2.12	-0.2%
<b>Borough Total</b>	<b>£770.48</b>	<b>£847.65</b>	<b>£849.59</b>	<b>£849.21</b>	<b>£851.67</b>	
Braintree	£239.83	£255.92	£255.43	£255.46	£255.01	-0.4%
Chelmsford	£993.73	£1,063.94	£1,063.46	£1,063.57	£1,063.05	-0.1%
Clacton	£130.26	£143.62	£143.57	£143.58	£143.50	-0.1%
Frinton	£11.69	£12.89	£12.89	£12.89	£12.88	-0.1%
Ipswich	£1,279.86	£1,398.59	£1,397.74	£1,397.94	£1,396.74	-0.1%
Sudbury	£153.80	£165.79	£165.73	£165.74	£165.62	-0.1%
Other Outside Borough	£160.41	£174.27	£174.27	£174.28	£174.21	0.0%
<b>Total</b>	<b>£3,740.07</b>	<b>£4,062.68</b>	<b>£4,062.68</b>	<b>£4,062.68</b>	<b>£4,062.68</b>	

**Table 13: Summary of Comparison Goods Impacts 2019 (£ millions)**

<b>Centre/Facilities</b>	<b>Base Year 2014</b>	<b>Horizon Year (with Sainsbury's) 2019</b>	<b>Horizon Year (with NCUE) 2019</b>	<b>NCUE Impact</b>
North Colchester UE	n/a	n/a	£9.00	n/a
Sainsbury's	n/a	£17.50	£17.27	1.3%
Williams & Griffin	n/a	£18.34	£18.21	0.8%
Colchester	£572.19	£643.96	£639.10	0.8%
Colchester food stores	£24.25	£27.45	£26.70	2.8%
B&Q Cochester	£24.64	£23.14	£23.03	0.5%
Colchester retail warehouses	£143.44	£169.84	£168.42	0.8%
Tiptree	£4.04	£4.65	£4.65	0.0%
West Mersea	£1.92	£2.27	£2.27	0.0%
<b>Borough Total</b>	<b>£770.48</b>	<b>£907.14</b>	<b>£908.64</b>	
Braintree	£239.83	£267.99	£267.76	0.1%
Chelmsford	£993.73	£1,128.82	£1,128.58	0.0%
Clacton	£130.26	£153.40	£153.40	0.0%
Frinton	£11.69	£13.76	£13.76	0.0%
Ipswich	£1,279.86	£1,484.22	£1,483.65	0.0%
Sudbury	£153.80	£175.85	£175.76	0.0%
Other Outside Borough	£160.41	£184.62	£184.24	0.2%
<b>Total</b>	<b>£3,740.07</b>	<b>£4,315.81</b>	<b>£3,407.17</b>	





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Simon Cairns  
Major Development & Projects Manager  
Colchester Borough Council  
Rowan House  
33 Sheepen Road  
Colchester  
Essex CO3 3WG

[simon.cairns@colchester.gov.uk](mailto:simon.cairns@colchester.gov.uk)

Our ref: MJXV/SJA/019793.08125

29 June 2016

Dear Simon

**Sainsbury's Supermarkets Ltd - Lightship Way, Colchester**

We write further to your e-mail of 27 June 2016 on this matter. You have requested we expand on why we consider the cycle bridge contribution does not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. This is not quite right, our concern is that, to date, the Council has not properly justified requiring the contribution having regard to Regulation 122. It may help to set out the relevant policy and legal requirements to examine this issue further.

**Relevant Requirements**

The NPPG confirms that planning obligations assist in mitigating the impact of "*unacceptable development to make it acceptable in planning terms*" and confirms they must meet the requirements of Regulation 122, namely:

*"A planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:*

- (a) *Necessary to make the development acceptable in planning terms;*
- (b) *Directly related to the development; and*
- (c) *Fairly and reasonably related in scale and kind to the development."*

The NPPG goes on to confirm that:

- policies for seeking planning obligations should be set out in the Local Plan and that SPD's are not appropriate to add additional financial burdens on development;
- planning obligations should not be sought where they are clearly "not necessary" to make the development acceptable in planning terms; and
- planning obligations "must be fully justified and evidenced".



**The Cycle Bridge Contribution**

Currently, we have received no evidence from the Council to justify the need for the contribution having regard to each limb of the Regulation 122 test. Our client's planning consultants have been seeking this justification since February 2016 and more generally confirmation of the obligations sought since the planning application was submitted in April 2014. Your more recent e-mail of 9 June 2016 does not specifically address the Regulation 122 requirements; so far there has been a failure to explain:

- (a) why the cycle bridge contribution is required to make the development acceptable in planning terms, there is nothing in the committee report which identifies what unacceptable impact will be created by the development absent the improvements to the cycle bridge. The Council's own justification note provided to Indigo by e-mail on 11 February 2016 states:

*"Currently this bridge only allows for walking creating a barrier in the cycle network..... CBC is not recommending refusal but seeking improvements that provide real choice."*

Thereby confirming that the improvement to the cycle bridge is to improve a deficiency in the existing cycle network; and not because our client's development would be unacceptable and refused planning permission if the contribution is not made;

- (b) how the improvements to the cycle bridge are specifically related to the development? Your e-mail of the 9 June 2016 suggests that there is a need for sustainable travel via improvements for cycling. However this does not recognise that Sainsbury's is already making significant contributions to the public transport network, will be implementing a green travel plan, and extending the existing cycle link along the A134 to the end of Lightship Way; all of which improve the sustainability credentials of the scheme and, importantly, are directly related to the development;
- (c) the relevant policy support in the Local Plan for the obligation, as identified in the NPPG, reliance on an SPD alone is not sufficient; and
- (d) how the sum was calculated and how this is proportionate to the development. Where other contributions are being secured in the S106 Agreement, there has been a clear rationale and/or calculation for the sum sought. That is currently lacking in relation to the cycle bridge. This is evidenced again in the Council's note of 11 February 2016 which confirms it originally sought a contribution of £350,000 but was now requiring £100,000, with no evidence provided as to how this reduction had been assessed or why the £100,000 was now appropriate.

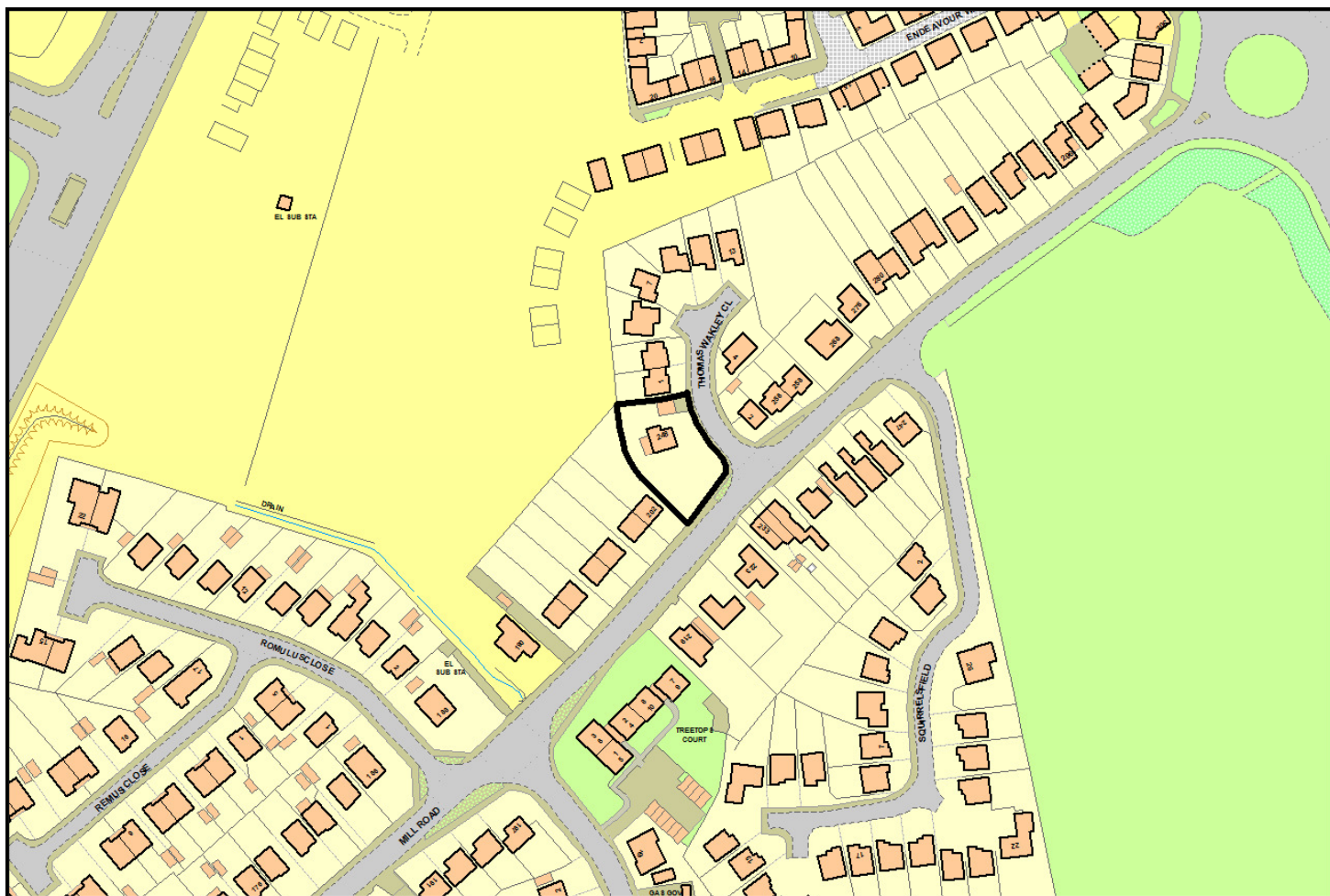
The overall deliverability of the cycle bridge improvements is contingent on funding from other sources and third party land being secured. That the cycle bridge scheme may not be realised, raises the question of why the contribution is necessary to make the development acceptable.

We trust this provides the additional clarification you were seeking. Please do call if there is anything arising from this letter if it would be easier to discuss. In the meantime, if the Regulation 122 justification is not forthcoming, it would be helpful if you can confirm that the cycle bridge contribution requirement will be returned to committee on 14 July 2016 to confirm it is no longer required.

Yours sincerely







**Application No:** 160920

**Location:** 248 Mill Road, Colchester, CO4 5JE

**Scale (approx):** 1:1250

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**7.2 Case Officer: Carl Allen**

**Due Date: 14/06/2016**

**Site:** 248 Mill Road, Colchester, CO4 5JE

**Application No:** 160920

**Date Received:** 19 April 2016

**Agent:** Mr Michael Edmonds

**Applicant:** Mr Martin Wakley

**Development:** Demolition of existing house, garage and outbuilding, erection of two semi-detached and one detached two storey houses.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Cllr Goss has called-in the application for the following reasons:-

'This application like the previous one is major over development for a small scale site and the area itself has one of the biggest traffic volumes running along Mill Road which makes access onto the site difficult. Thomas Wakley Close is most definitely not suitable for any entry or exit from the site and any development traffic if this was ever approved must not come in or out of Thomas Wakley Close. This should be refused on over development, poor access and the application is not sustainable'.

## **2.0 Synopsis**

- 2.1 The key issues explored below are that of amenity, design and highways. In these regards the proposal is considered to be acceptable and complies with policy. Approval with conditions is recommended.

## **3.0 Site Description and Context**

- 3.1 248 Mill Road is a detached dwelling which occupies a corner position with Thomas Wakley Close to the east and Mill Road to the south. The part of the site that fronts onto Mill Road is for the most part garden. The adjoining neighbours are to the north (1 Thomas Wakley Close) and to the south-west (202 Mill Road). A detached garage is located between 248 Mill Road and 1 Thomas Wakley Close.



## **4.0 Description of the Proposal**

- 4.1 To demolish the existing dwelling and garage of 248 and replace with three dwellings. Two of these (Plots 1 and 2) would be semi-detached and would front Mill Road. These dwellings would be four bedroomed dwellings. Vehicle parking would be provided to the front and there would be a car port that would link the dwellings. One dwelling (Plot 3) would be positioned to front Thomas Wakley Close and would occupy the area that currently has the garage and part of the dwelling of 248 on it. This new dwelling would four bedrooms and would have parking to the front and a car port.

## **5.0 Land Use Allocation**

- 5.1 Residential.

## **6.0 Relevant Planning History**

- 6.1 150104 – Demolition of existing house, garage and outbuilding. Erection of 4 semi-detached houses. Withdrawn.
- 6.2 151591 – Demolition of existing house, garage and outbuilding. Erection of 4 semi-detached houses (resubmission of 150104). Refused.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Location  
UR2 - Built Design and Character

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

DP1 Design and Amenity  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards

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

Backland and Infill  
Vehicle Parking Standards  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

8.1 Highways – No objection subject to conditions.

8.2 Environmental Protection – No objection subject to hours of work/demolition/deliveries.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that they object to the proposal for the following reasons:

- No meaningful plans for heights and layout
- Thomas Wakley Close is very condensed and visitor parking is impossible
- Existing dwelling is in a prominent position and blends in well with the surroundings and there is no reason to demolish it and this is not in accordance with the Neighbourhood Plan
- Height would affect privacy and light to neighbours
- Overdevelopment
- Although on Mill Road it will have a greater impact on residents in Thomas Wakley Close.

## **10.0 Representations**

10.1 One letter of objection and a nine name petition. Object due to:

- no exact details of heights and location of the homes
- cannot tell what the impact on light and space
- overdevelopment
- two parking spaces for a four bedroom home is not enough
- no on road parking available at Mill Road or Thomas Wakley Close
- visual impact
- must be protection in place to keep disruption to a minimum.

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

## **11.0 Parking Provision**

11.1 Six off-street spaces would be provided.

## **12.0 Open Space Provisions**

12.1 N/A.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design

- 15.1 The existing building of 248 Mill Road is not an unattractive house – although it does lack any special features - and it appears to be older than the dwellings around it. The dwelling is not Listed, is not in a Conservation Area and is not locally listed. Given these factors it is difficult to make a case for the buildings retention. The Myland and Braiswick Neighbourhood Plan does not have any policies that would prevent the existing dwelling from being demolished and there is no reason to refuse the proposal based on the existing dwelling being demolished.
- 15.2 The existing dwelling of 248 sits in a very large plot is much larger than found elsewhere in the area. Because of this the proposal would three dwellings would result in plot sizes that are very much in character with those in Thomas Wakley Close. The proposed dwellings would have gardens that would comply with the requirement for four bedroom dwellings in DP16 – as they would all have over 100sqm of garden areas each. The result of this is that the dwellings do not appear cramped on the site or overdeveloped. Given recent changes to what can be built under Permitted Development it would be prudent to removed Permitted Development Rights for extensions given how the plot boundaries are set out.
- 15.3 The immediate character of Mill Road and Thomas Wakley Close is characterised by small groups of dwellings that have a close design bond with each other in their groups. Whilst the three proposed dwellings would have a different design to these various existing small groups they would form their own distinct design group. The proposed height of the dwellings (Plots 1 and 2) on Mill Road would be no higher than the height found at no. 202 Mill Road, whilst the gable of the proposed dwelling fronting Thomas Wakley Close (Plot 3) would be marginally higher than the neighbour at no.1 Thomas Wakley Close. Given these heights they would appear to be harmony with the overall scale of the neighbours. The exact external materials should be conditioned as they are somewhat vague in the application. All three proposed dwellings would follow the building lines for the roads that they most relate to. The proposal is considered acceptable in design terms and accords with DP1 and UR2.

## Amenity

- 15.4 The proposed dwelling fronting Thomas Wakley Close would be 2m at the closest point (the front) with no.1 Thomas Wakley Close and 3m at the furthest point (at the rear). A 1m gap between the site and the boundary would be a constant. The proposal would be to the south-west of the neighbour which together with the distance would mean that shade would only be cast in the latter parts of the day. The neighbour does have two first floor windows on its side elevation closest to the proposal but these would not be affected by any overshadowing. The proposed Mill Road dwellings would be 4m from the neighbour at 202 Mill Road and would have 1m to the boundary. 202 also has a first floor window on the elevation nearest the proposed dwellings. This neighbour is to the west of the proposed dwellings and so there would be no overshadowing.
- 15.5 With regards to overlooking, the proposed dwellings would actually result in less overlooking to the existing neighbours. The existing dwelling of 248 is positioned so that the front elevation windows look out into the rear garden of 202 Mill Road. The proposed dwellings along Mill Road would be in line with the existing neighbours and the proposed rear elevation windows would have a much improved relationship with the neighbour and there would be a much reduced exposure to overlooking. Likewise with no.1 Thomas Wakley Close – the proposed rear windows would have an improved relationship/orientation with this neighbour. Given these factors, the proposal would not result in any unacceptable amenity issues and complies with DP1. It is noted that disturbance during the construction phase is not a reason to refuse the application and that the conditions suggested by Environmental Protection should address the concern raised.

## Highways

- 15.6 Both of the dwellings that would front onto Mill Road would use an existing access onto the highway whilst the new dwelling that would front onto Thomas Wakley Close would have an existing access on to the Close closed and a new one formed – so there would be no increase in accesses in Thomas Wakley Close. Highways have no objection to any of these new accesses. Comment has been made that four bedroom dwellings should have more than two off-road parking spaces each, however the Parking Standard requires new dwellings of two plus bedrooms to provide two off-street spaces. Therefore in this regards the proposal has the correct number of spaces. The proposed car ports are a little short of the width required to be counted as parking spaces but there is enough space to the front of the dwellings to comply with the Standard. In the case of the two semi-detached dwellings there is a dedicated parking space for each dwelling to the front and there is enough space in front of the car ports to be regarded as a parking space for each dwelling. In the case of the proposed dwelling that would front onto Thomas Wakley Close, there is a dedicated parking space in front of the car port and there is space in front of the dwelling that could be utilised for a parking space – and this should be conditioned. With these considerations the proposal would comply with the Parking Standard and DP19.
- 15.7 In regards to comments that there is no parking available on Mill Road or Thomas Wakley Close, it is noted that there are double yellow lines on the junction with the two roads and then there are no restrictions.

15.8 The site is in the Settlement Boundary and is therefore where new residential is directed. As such the location is considered sustainable and accords with SD1.

## **16.0 Conclusion**

16.1 The proposal is considered to be acceptable with no design, amenity or highway concerns.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - Time Limit for Full Permissions**

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

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

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 663/10, 663/9, 663/8, 663/7 and Location Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

### **3 - Non-Standard Condition/Reason**

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

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

### **4 - Non-Standard Condition/Reason**

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres to the north and 2.4 metres by 17 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

#### 5 - Non-Standard Condition/Reason

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

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

#### 6 - Non-Standard Condition/Reason

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

#### 7 -Non-Standard Condition/Reason

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

#### 8 - Non-Standard Condition/Reason

Notwithstanding the approved details no development shall commence on Plot 3 until revised details regarding parking spaces outside the dwelling have been sent to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

Reason: To ensure that there is adequate space for parking off the highway, in the interest of highway safety.

#### 9 - Non-Standard Condition/Reason

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

#### 10 - Non-Standard Condition/Reason

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

#### 11 - Non-Standard Condition/Reason

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

- Weekdays: 8am to 6pm
- Saturdays: 8am to 1pm
- Sundays and Bank Holidays: none.

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

#### 12 - Non-Standard Condition/Reason

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

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

### 19.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

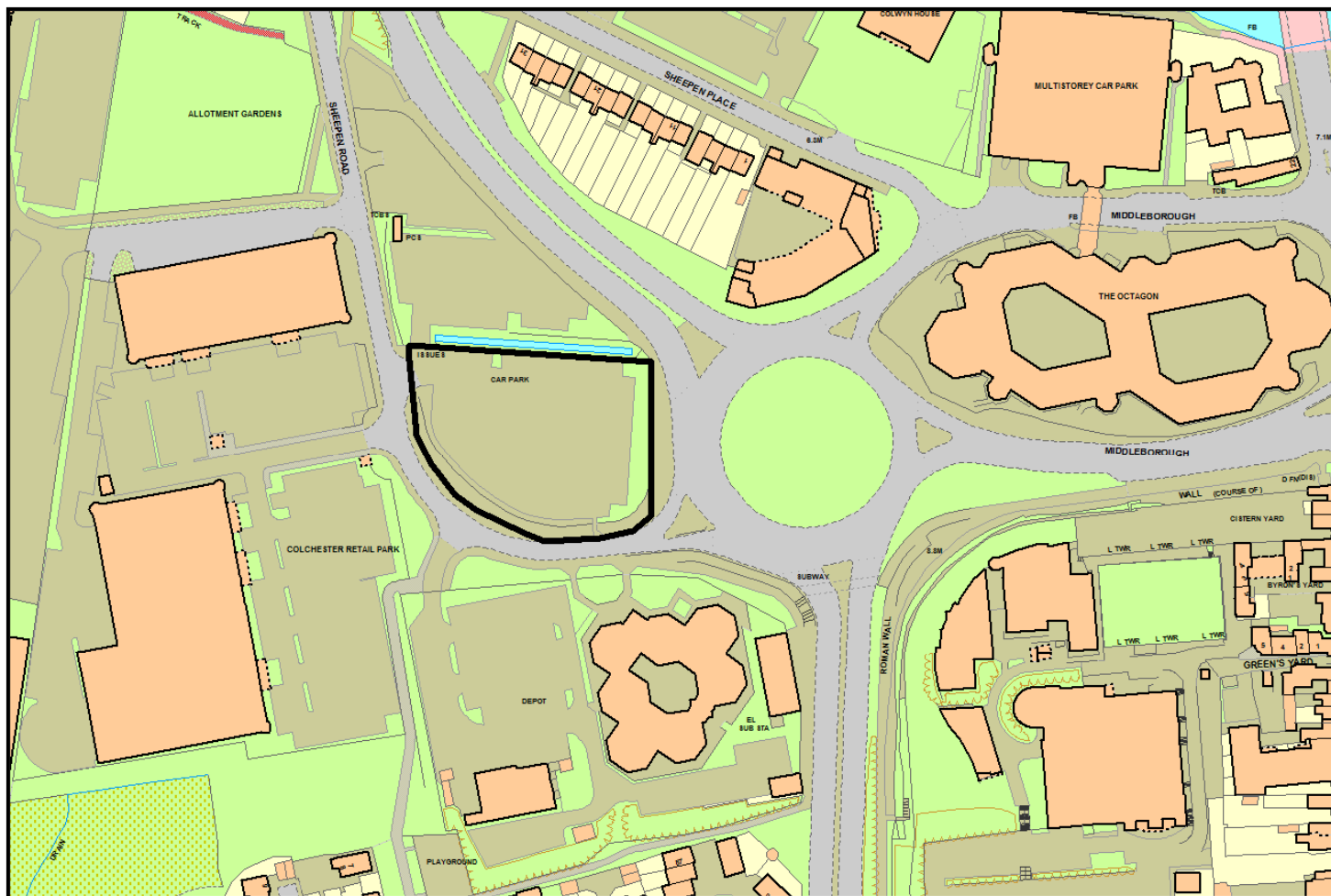
(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

**20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





**Application No:** 161291

**Location:** Sheepen Road, Colchester, CO3 3WG

**Scale (approx):** 1:1250

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**7.3 Case Officer: Sue Jackson      Due Date: 19/07/2016**

**OTHER**

**Site:**                      **Sheepen Road, Colchester, CO3 3WG**

**Application No:**    **161291**

**Date Received:**    24 May 2016

**Agent:**                Mr Kevin Whyte, Barefoot & Gilles

**Applicant:**           Ms Brett, Colchester Borough Council

**Development:**      Printed site hoarding.

**Ward:**                 Castle

**Summary of Recommendation:** Conditional Approval

### **1.0      Reason for Referral to the Planning Committee**

- 1.1      This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

### **2.0      Synopsis**

- 2.1      The key issues explored below are the impact of the proposed advertisement in terms of its potential impact on the amenity of the area and on highway safety.

### **3.0      Site Description and Context**

- 3.1      Planning permission was granted in November 2015 for two office buildings on the application site. One of the buildings is under construction and hoardings have been erected around the development site under permitted developmnet.
- 3.2      The site is situated on the edge of Middleborough Roundabout on the west side of the roundabout. It is bordered to the south and west by Sheepen Road with Westway, a dual carriageway to the north. To the other side of Westway are the back gardens of houses in Sheepen Place. Office buildings face the site across the roundabout and Rowan House occupied by Colchester Borough Council faces the site along Sheepen Road; while to the west is Colchester Retail Park.

### **4.0      Description of the Proposal**

- 4.1      The application proposes the erection of a 56m length of printed plastic advertisement on the existing hoardings, 2 metres high and non-illuminated along the road frontages.
- 4.2      The advertisement provide details of the approved office buildings, the name of the development, contact details for the 2nd building (CBC), the proposed occupier of the first building and details of the architect, builder and other contractors.

## **5.0 Land Use Allocation**

- 5.1 The site is within a Mixed Use area on the Proposals Map.

## **6.0 Relevant Planning History**

- 6.1 151825 erection of two office buildings - approved
- 6.2 151826 totem sign board to front of building approved

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations  
CE2 - Mixed Use Centres  
UR2 - Built Design and Character

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

DP1 Design and Amenity

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

SA CE1 Mixed Use Sites

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

Shopfront Design Guide

## **8.0 Consultations**

- 8.1 The Highway Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to informatives.
- 8.2 Environmental Control no comment.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 N/A

## **10.0 Representations**

10.1 None received

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

15.1 Local planning authorities are required "to exercise their powers under the Advertisement Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of "amenity" includes both visual and aural amenity. Therefore as well as visual amenity, the noise generated by advertisements should be considered. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included".

15.2 It is considered that the impact of the advertising on the surrounding area will be minimal. The immediate area comprises predominantly office development with the rear gardens of houses in Sheepen Place screened by a row of tall trees and separated from the site by Westway. The site currently has hoarding along the road frontages.

15.3 In assessing an advertisement's impact on "public safety", regard has to be given to the effect upon the safe use and operation of any form of traffic or transport. The proposed signage, by virtue of its location, is not considered to have an adverse impact on public safety, especially given that there is no illumination proposed and no objection has been received from the Highway Authority.

## **16.0 Conclusion**

16.1 The advertisement would result in no adverse impact upon the amenity of the area or upon public safety and it is recommended advertisement consent is granted subject to the conditions below.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### **1 - Standard Advert Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1842 DE 10-01 SITE LOCATION PLAN, HOARDING ADVERT DETAIL, HOARDING POSITION.

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

### **3 - Non-Standard Condition/Reason**

The advertising/hoarding hereby granted consent shall be removed from the site by the 31 August 2017, or an alternative period agreed in writing with the local, planning authority.

Reason: In order to ensure that this temporary artifact is not retained on permanently site.

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

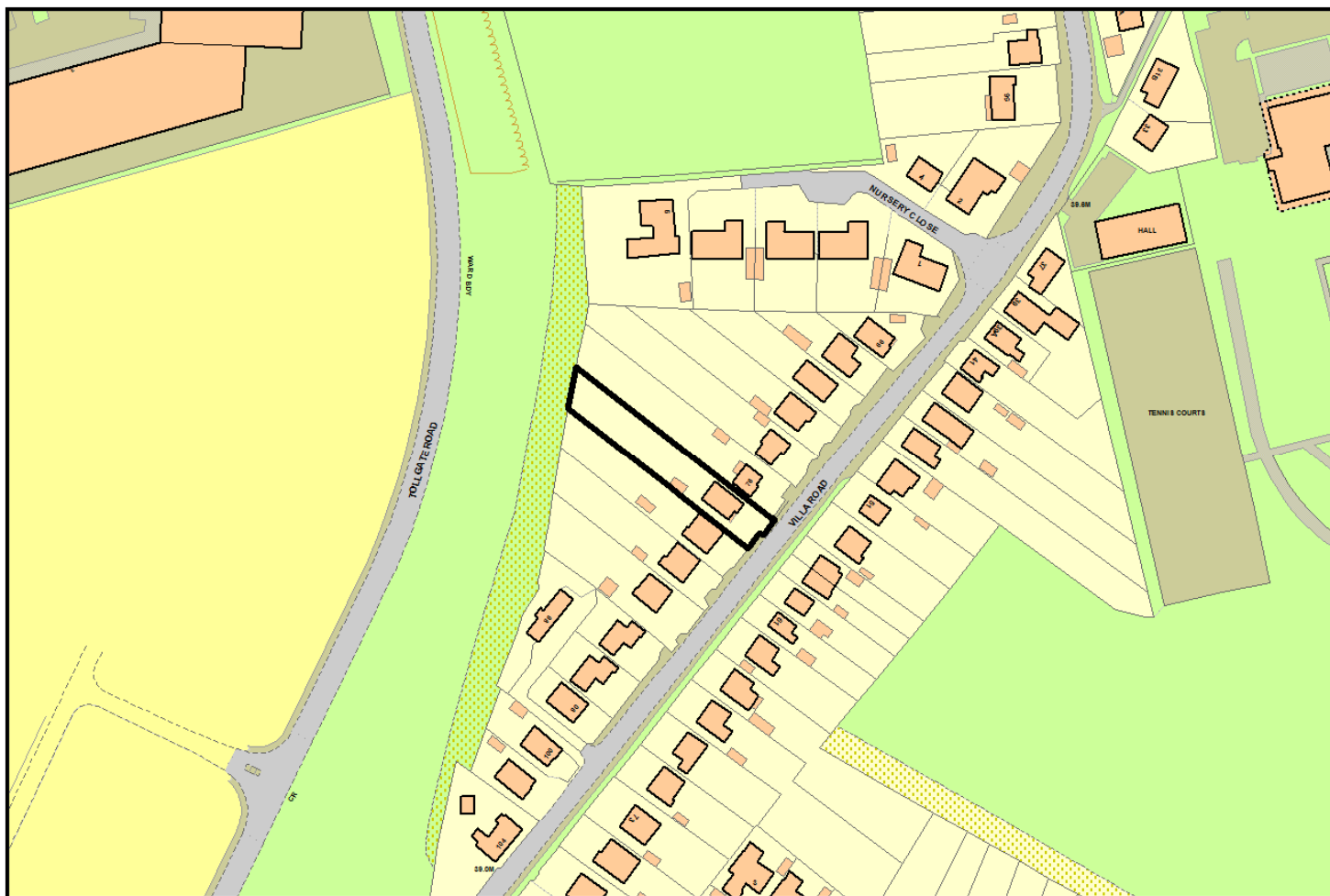
(2) Note: No part of any sign, including any foundations required, shall be erection on land covered by highway rights as this would constitute a breach of the Highways Act 1980.

(3) INF1 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(4) INF2 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **20.0 Positivity Statement**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 160969

**Location:** 78 Villa Road, Stanway, Colchester, CO3 0RN

**Scale (approx):** 1:1250

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**7.4 Case Officer: Jane Seeley      Due Date: 22/07/2016**

## **HOUSEHOLDER**

**Site:**                      **78 Villa Road, Stanway, Colchester, CO3 0RN**

**Application No:**    **160969**

**Date Received:**    26 April 2016

**Agent:**                      Mark Perkins Partnership

**Applicant:**              Mr L Crosby

**Development:**    Proposed demolition of existing bungalow and replacement with new 3 bedroom dwelling.

**Ward:**                      Stanway

**Summary of Recommendation:** Conditional Approval

### **1.0      Reason for Referral to the Planning Committee**

- 1.1      This application is referred to the Planning Committee because it has been called in by the Ward Member Cllr. Lesley Scott-Boutell. The reason for the call in is:

*“the proposed building creates the largest footprint, in length and width, of any other dwelling in this part of Villa Road and therefore is overbearing there would be a loss of privacy caused by the balcony proposed off bedroom 1 which would provide a panoramic view overlooking neighbours garden.”*

### **2.0      Synopsis**

- 2.1      The key issues explored below are the design of the proposed extension and its impact on the street scene and neighbouring amenities.
- 2.2      It is considered that these are acceptable and approval is recommended.

### **3.0      Site Description and Context**

- 3.1      No. 78 Villa Road is a circa 1950's bungalow with a detached garage to the rear of the property. The frontage is open. There is fencing approximately 1m high along the side boundaries which runs along the side elevations of the adjacent housing. The rear garden has 1.8m high screen fencing.



## **4.0 Description of the Proposal**

- 4.1 It is proposed to demolish the existing bungalow and erect a 2 storey 3 bedroomed dwelling. To the south side is a single storey element set back from the front elevation which will provide a pitch roof garage with a flat roof utility room/ cloak room to the rear. The single storey element is immediately adjacent to the common boundary with No. 80. The main 2 storey house is approximately 3m from the boundary with No. 80 and 1m from the boundary with No 76 (to the north) on the common boundary.
- 4.2 As originally submitted the house was set significantly further back in the site, to the rear of the adjacent housing. The sitting has been revised so that the front elevation is on the same line as the adjoin properties.
- 4.3 Further amendments have been suggested by the case officer. These were: a) to reduce the size of the property so that it is in line with the rear elevation of No. 80; or b) to reduce the width of the house so that it is 1m from the boundary with No. 80. The applicants have indicated that they do not wish to amend the scheme and therefore it has to be determined as submitted scheme (as repositioned).

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential

## **6.0 Relevant Planning History**

- 6.1 145504 - Demolition of existing bungalow and erection of 4 dwellings - Withdrawn
- 6.2 146372 - Outline demolition of existing bungalow and erection of 3 dwellings – Refused

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character

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

DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings Proposals  
DP19 Parking Standards

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

Vehicle Parking Standards  
Extending Your House?  
The Essex Design Guide  
External Materials in New Developments  
Stanway Joint Design Statement and Parish Plan

## **8.0 Consultations**

8.1 ECC Highways – does not wish to submit a recommendation.

8.2 Contaminated Land Officer - No comments.

8.3 Tree Officer – Recommends tree protection conditions

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that it has no objections to the proposal but is disappointed at the loss of another bungalow.

## **10.0 Representations**

10.1 One letter from the occupant of No 80 Villa Road:

- Elevations proposed combined with two tall external chimneys and the overall enlarged physical footprint of the property seem totally out of character with the dwellings in this particular vicinity of Villa Road.
- Its bulk on the narrow plot of No.78, alongside our boundary fence, would cause overshadowing.
- The balcony proposed off Bedroom 1 provides a panoramic view overlooking into our garden.
- Possible pollution/fumes from fuel used in the dwelling.
- Disturbance and damage to the boundary and precinct of No.80 (including arbour and fish pond adjacent to the garage to be demolished and the planted borders alongside the fence as a consequence of the demolition of the existing garage and the erection of the new dwelling).

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

## **11.0 Parking Provision**

- 11.1 The proposed garage is not in accordance with the dimensions set out on the adopted Parking Standards; however there is sufficient space to the front/side of the proposed house to provided parking in line with the Parking Standards.

## **12.0 Open Space Provisions**

- 12.1 Not applicable

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design and Layout

- 15.1 There is no planning policy reasons to resist the replacement of the existing 1950's bungalow with a larger 2 storey dwelling. The proposed dwelling is larger than many of the properties in the vicinity but the depth of the footprint is similar to No. 76 and when viewed from the street the dwelling does not appear unduly large. The design of the dwelling introduces detailing and materials which are not particularly prevalent in the locality however street scene suggests that the dwelling will relate appropriately to the adjacent properties.

### Impact on the Surrounding Area

- 15.2 Villa Road, in the vicinity of the application site is characterised by detached properties which are set a fairly uniformed distance from the highway. The properties are generally set close to on boundary with space on the other side for driveways. The application property respects this 'building line' but the dwelling spans most of the width of the site. However the single storey element is set approximately 6m back front the front and is low key which will ensure that the two storey element will be the domain feature. A sense of space between the main part of the replacement dwelling and the adjacent property No. 80 will be maintained.

### Impacts on Neighbouring Properties

- 15.3 The potential impact on the amenity of the adjacent properties has been assessed using the principles set out Extending your house and the Essex Design Guide. It has been concluded that the relationship with No. 76 (the applicant's property) is in line with these criterion. There are a number of roof lights in the side elevation which face towards the windows on No. 76; there are all above eye level so there should be no overlooking issues. A condition to require they are at this level is suggested. There are also a number of windows in the side elevation of No 76 adjacent to the replacement property. The ground floor windows are already compromised by the existing bungalow and it is not considered that the impact of the new dwelling will be significantly different. The first floor window is to an en-suite so this does not raise any amenity concerns.
- 15.4 The proposed dwelling projects approximately 4 metres to the rear of the conservatory at the rear of No. 80. The single storey element runs alongside the side of this conservatory. The two storey part of the house is in line with the criteria in the above mentioned documents. There is a minor breach of The Essex Design Guide with regard to the single storey flat roof elements to the rear of the garage. The suggested amends would have assisted in this respect. On balance it is considered that this is not significant enough to justify a refusal of the scheme that is sustainable at appeal.
- 15.5 The suggested condition regarding the roof lights will ensure the two roof lights in the side elevation do not create any overlooking issues. There are two windows in the side elevation of No. 80. The owners have advised that they are to a landing and a cloakroom; as non-habitable rooms (as set out in Extending Your House) it is not considered that the impact will be unreasonable.
- 15.6 The large first floor balcony is within the roof space. This will give oblique views of the rear of the gardens of the adjacent housing but not the protect sitting out areas to the rear of the dwellings (as defined in the Essex Design Guide). It is suggested that the balcony screen is set in 1m from the rear elevation of the dwelling which will help reduce any overlooking of the adjacent properties whilst allowing for a sitting out area.

### Trees

- 15.7 The applicant's agent has to provide details of the position of trees in/close to the boundaries of Nos. 76 and 80. This has been assessed by the Tree Officer who has not raised any concerns and recommends standard tree protection conditions.

### Other Matters

- 15.8 Concerns about damage to the neighbour's fence and property are not planning matters. These are potentially Party Wall Legislation issues; an informative regarding this legislation is included.
- 15.9 The type of fuel used for heating is not a planning issue. The height of these chimneys will be informed by Building Regulation requirements.

## **16.0 Conclusion**

- 16.1 This scheme is acceptable in design terms and on balance, would not cause such harm to the neighbour's amenity to recommend refusal. Therefore subject to satisfactory comments from the Tree Officer an approval is warranted.

## **17.0 Recommendation**

- 17.1 That planning permission be granted subject to the following conditions:

## **18.0 Conditions**

### **1 - Time Limit for Full Permissions**

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

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

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1106/01C and 02A.

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

### **3 - Materials to be Agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

### **4 - Removal of PD for All Residential Extensions & Outbuildings**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

#### 5 - \*Removal of PD - No Extra Openings

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no roof lights, windows or other openings shall be inserted in the side elevations of the hereby approved house except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

#### 6 - Non-Standard Condition/Reason

Prior to occupation of the dwelling, the balcony railing shall be installed and set in a minimum of 1m from the rear elevation of the hereby approved dwelling. It shall then be maintained and retained permanently. The area between the balcony railing and the rearmost part of the rear elevation shall not be used as a balcony or sitting out area at any time.

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

#### 7 -Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted 2 parking spaces in line with the Council's adopted Parking Standards (i.e. two spaces of 2.9m by 5.5m dimension) shall be provided on the site. Any additional hardstanding to front of the dwelling shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The approved parking spaces required by this condition shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site in line with Council's adopted Parking Standards and to ensure that any new hardstanding does not create any surface water flood issues.

#### 8 - Non-Standard Condition/Reason

The lower level of the glazing in the rooflights in the side elevations shall be a minimum of 1.8 metres above finished floor height of the room they serve.

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

#### 9 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

#### 10 - Tree and Natural Feature Protection: Entire Site

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

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

#### 11 - Tree and Hedgerow Protection: General

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

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

### 19.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

#### (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which you may obtain free of charge from the Planning Portal website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) under Building Regulations.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





**Application No:** 161159

**Location:** 12 Hobbs Drive, Boxted, Colchester, CO4 5RZ

**Scale (approx):** 1:1250

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**7.5 Case Officer: Jane Seeley Due Date: 18/07/2016**

## **HOUSEHOLDER**

**Site:** 12 Hobbs Drive, Boxted, Colchester, CO4 5RZ

**Application No:** 161159

**Date Received:** 4 May 2016

**Agent:** Peter Tyler - Tyler Surveying

**Applicant:** Mr M Hammond

**Development:** Single storey front extension.

**Ward:** Rural North

**Summary of Recommendation:** Conditional Approval

### **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the agent is employed by this Council on a consultancy basis.

### **2.0 Synopsis**

- 2.1 The key issues explored below are the design of the proposed extension and its impact on the street scene and neighbouring amenities.
- 2.2 It is considered that these are acceptable and approval is recommended.

### **3.0 Site Description and Context**

- 3.1 No. 12 Hobbs Drive is a detached bungalow with a conservatory to the rear and a detached single garage to the side. There is a drive to the side of the bungalow and the front garden area is hard surfaced. The frontage and side boundary with No 12 has low brick and wooden posts with low chains. Within the front garden is a heavily pruned rowan tree. Immediately to the east, in the front garden of No 12, is a large kasan cherry tree.

### **4.0 Description of the Proposal**

- 4.1 It is proposed to extend the front of the house forward by approx. 2.5m. The detailing is the same as the existing front elevation other than the fenestration where flush rather than bow windows are proposed. A new en-suite window is indicated in the east side elevation however this is considered to be permitted development.

### **5.0 Land Use Allocation**

- 5.1 Built Up Area Boundary

## **6.0 Relevant Planning History**

6.1 RD/COL/1290/76 Outline Planning Permission Approved

6.2 COL/606/78 Reserved Matters - 27 Bungalows, garages and estate roads Approved

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV2 - Rural Communities

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

DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?  
The Essex Design Guide  
Boxted Village Plan incorporating Village Design Statement

## **8.0 Consultations**

### **8.1 Tree Officer**

- Satisfied with the conclusions and recommendations made within the submitted arboricultural report .
- Conditions recommended

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 The Parish Council have not commented.

## **10.0 Representations**

10.1 Nothing received.

## **11.0 Parking Provision**

11.1 Parking in excess of adopted Parking Standards will be retained.

## **12.0 Open Space Provisions**

12.1 Not applicable.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design and Layout

15.1 The simple detailing of the extension reflects the character and detailing of the dwelling. The use of flush windows rather than bow windows is more appropriate. The existing the bow windows are not an original feature of the property. Consideration was given to including articulation both to the elevations and ridge line but in this instance, given the small scale of the projection forward of the existing front wall, it is considered that the proposed approached is appropriate.

### Impact on the Surrounding Area

15.2 Hobbs Drive is a development of similar bungalows many of which have been extended. In the immediate vicinity of No. 12 there is no visual ‘building line’. The bungalow to the east is (No. 11) is set significantly further back and No. 14, which is also set further back than No. 12, has a double garage and an approx. 1.8m high front boundary wall immediately adjacent to the pavement. (NB there is no 13). The front elevation of No. 15 is further forward than the proposed extension to No. 12. Given the character of the area it is considered that the front extension can be successfully assimilated into the street scene.

15.3 The tree in the front garden of No 12 is a significant feature in the street scene. The Tree Officer has advised that this tree will not be impacted by the development.

## Impacts on Neighbouring Properties

- 15.4 The potential impact on the amenity of No 14 has been assessed using the principles set out in Extending Your House for assessing amenity for rear extensions and The Essex Design Guide. It has been concluded that the impact of the extension in relation to the front windows of No. 14 is acceptable. A side glazed door, believed to be a secondary light source, and a side window are considered sufficiently separated from the extension not to be unduly impacted.
- 15.5 The front projecting gable of No. 11 is approx. 7.8m further back than the existing front elevation of No. 12. Accordingly the aforementioned SPD's criterion for assessing impact on residential amenity is not helpful. Given the distance the extension is from the windows in the front gable of No 12 it is not considered that it will have any significant impact on either outlook or light.

## **16.0 Conclusion**

- 16.1 This scheme is acceptable in design terms, would not cause harm to the adjacent trees or the neighbour's amenity. Therefore an approval is warranted

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### **1 - Time Limit for Full Permissions**

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

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

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 764 -1, 4 and 5 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

### **3 - Non-Standard Condition/Reason**

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

#### 4 - Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing as set out in the submitted Arboricultural Impact Assessment. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

#### 5 - Non-Standard Condition/Reason

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

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

#### 6 - Non-Standard Condition/Reason

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

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

## 19.0 Informatives

### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

