

AMENDMENT SHEET

Planning Committee

13 June 2019

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

The Chairman has indicated he will take item 7.6 at the start of the meeting.

7.1 183130 – Former Homebase Ltd., St Andrews Avenue, Colchester

Amendments to recommended conditions

1. Environmental Protection have reassessed the submitted noise assessment and on the basis of the acoustic barrier being proposed and detailed of external plant (see paragraph 16.35 of the committee report), the delivery hours can be extended as the amenity of nearby residents would be satisfactorily protected. Condition 4 can, therefore, be amended. An additional condition is required in order to secure the details set out in the noise assessment.

Condition 4: Hours of Delivery

No deliveries shall be received at, or despatched from, the site outside of the following times:
Seven days a week: 06.00 – 00.00 hours

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

Additional Condition: Noise Assessment

Prior to the development hereby permitted coming into use, an acoustic barrier and all external plant shall be constructed and maintained in accordance with the Noise Assess Acoustic, Noise and Vibration Consultants report 12502.01v1 dated December 2018.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise from plant for the avoidance of doubt as to the scope of this permission.

2. The Highway Authority has clarified what works would be required to upgrade the Ipswich Road bus stops. It is therefore recommended that Condition 16 be amended in order to contain specific requirements. Condition 16 to read:

Condition 16: Bus Stop Upgrades

The development hereby approved shall not be brought into use until the two bus stops located in Ipswich Road south of the proposal site have been upgraded to current Essex County Council specification, with details first being submitted to and approved in writing by the Local Planning Authority. The details shall include replacement shelters, power connection to shelters, and the installation of raised kerbs and be implemented as approved.

Reason: To ensure that the development is accessible by more sustainable modes of transport such as public transport, cycling and walking.

One objection received from Aldi, summarised as follows:

- Consider that the likely retail impact implications of the proposal have not been satisfactorily assessed;

- The proposal at 1,972sqm falls below the 2,500sqm NPPF threshold for a retail impact assessment, but the Council's emerging Local Plan sets a lower threshold of 1,500sqm (the emerging Local Plan being at an advanced stage);
- Specific comments on the Applicant's impact justification:
 - The applicant's consultant has underestimated the likely turnover of the proposed Lidl store, with more up to date average sales density figures reflecting Lidl's current strong performance in the food retail market. Mintel Retail Rankings (2019) provide a benchmark turnover figure of £9,652 / sqm which is 12% higher than the £8,554 / sqm figure used at Table 4 of the Rapleys' statement. The store would therefore be expected to turnover £12.5m, not the stated £11.1m.
 - A higher turnover figure for the proposed Lidl will therefore result in the store drawing a higher proportion of trade from existing retailers. However, the retail analysis presented by the applicant fails to identify where the new store's trade would be drawn from. Only a very high-level and unhelpful assessment of the store turnover compared to available convenience expenditure within a 5-minute catchment is provided. There is no indication of which existing stores would be impacted by the proposals and to what degree.

Case Officer Comment: Whilst Section 2 of the emerging Local Plan is at an advanced stage it has not yet been examined and is not, therefore, considered to carry sufficient weight (see paragraph 7.5 of the committee report). The NPPF threshold for when retail impact assessments are required is, therefore, considered to be relevant. Matters of retail impact are assessed within paragraphs 16.2-16.16 of the committee report.

7.2 181859 – Land north of Wyvern Farm, London Road, Stanway

Condition 2 revised as some of the drawings numbers referred have been superseded. The approved drawing numbers are set out below:

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

Site Location Plan 1:1250 001 – A,
 Masterplan 1:500 002 – F, 1:500 003 – F,
 Storey Heights Plan 1:500 004 - F,
 Tenure Plan 1:500 006 – F,
 Amenity Space Plan 1:500 007 – C,
 Hard Surfacing Plan 1:500 008 – C,
 House Type C 1:100 012 - C,
 House Type E 1:100 014 – C,
 House Type G 1:100 016 – D,
 House Type H 1:100 017 – D,
 House Type J 1:100 018 – D,
 House Type K 1:100 019 – C,
 House Type M 1:100 021 – D,
 Apartment Block - Plans 1:100 022 – E,
 Apartment Block - Elevations 1:100 023 – E,
 Garage Types 1:100 024 – A,
 House Type N 1:100 025 - A
 Car Ports 1:100 026 – C,
 House Type P 1:100 028 – A,
 House Type P1 1:100 029 - B,
 House Type Q 1:100 034 - A
 House Type Q1 1:100 035 - B,
 Private Car Port 1:100 036 - ,

Site Section 1:100 037 – B,
House Type R 1:100 038 -,
Canopy Types 1:100 039 -

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

ECC Education has confirmed the following in respect of section 106 contributions

“Of the total 100 dwelling unit mix (95 houses of two or more bedrooms, four flats of two or more bedrooms, and one one-bedroom flats (non-eligible for a contribution request)), 99 dwellings will be factored into the calculation:

- An Early Years and Childcare contribution will not be sought for this application, as per the documents submitted at DT;*
- Primary – 29.10 pupils generated by the proposal, multiplied by £12,734.00 = £370,559.40*
- Secondary – 19.40 pupils generated by the proposal, multiplied by £19,345.00 = £375,293.00*

Total: £745,852.40

These sums will be subject to indexation from April 2018, with the usual formula-based clauses in the S106”

The obligations set out on pages 56/57 paragraph 15.2 will be amended to include these contributions.

Page 63 paragraph 16.25 distance missed out should read ... a new road of over 100 metres....

Page 69 paragraph 18.1 2nd bullet point 3rd line should refer to paragraph 15.2 not 14.3

7.4 190631 – 89 Chapel Road, West Bergholt

Further comment received from objector, summarised as follows:

- Do not feel that previous objections have been taken into consideration;
- Case Officer has not visited No. 89A so cannot consider the impact on light or whether there would be any overlooking into garden;
- Car parking spaces alongside boundary would result in noise and pollution;
- The proposed building would be forward of the building line;
- Building forward of No. 89A would result in overshadowing;
- Building forward of No. 89A would impede visibility when exiting the site by car;
- Obscure glazed first-floor side windows would cause overlooking if openable;
- No details of the height of the proposed building;
- The application site does not currently have any parking;
- No rights of access to proposed parking (private lane) and granting planning permission with this parking arrangement would cause a legal issue.

These matters will be addressed during the committee presentation.

7.6 183028 – Land the corner of Tufnell Way and adjacent to 188 Bergholt Road, Colchester

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Replace drawing number JCN/1537/19 with JCN/1537/19 Rev.C on paragraph 18.1