

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO DEVELOPMENT CONTROL COMMITTEE**

**30 March 2010**

**AGENDA ITEM 1**

**10/01357/FUL Demolition of existing buildings and erection of Class A1 retail food store with associated access, car parking, servicing and landscaping**

**Former Railex Site & adjoining Land, Station Road, Manningtree**

1. Additional wording is proposed to the recommendation as follows:

“(c) The Interim Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan policy QL12.”

This a normal practice so that permission can be refused where the requirement of a) of the recommendation is not met.

2. There have been 10 additional letters/e-mails of objection and one in support. The objections raise issues which include the level of the retail impact and the traffic impact, which justify refusal of the application. These and other issues raised are already covered in the report. An e-mail has also been received from Bernard Jenkin, MP with a request that it is brought to members' attention. A copy of the e-mail is reproduced below.

**From:** JENKIN, Bernard [JENKINBC@parliament.uk]  
**Sent:** 29 March 2011 15:53  
**To:** Ian Davidson; Ian Davidson (jgoodyear@tendringdc.gov.uk)  
**Cc:** Cllr M. Patten; Cllr G. Guglielmi; FAIRWEATHER, Thomas  
**Subject:** Tesco Application - DCC Weds 30th March

Dear Ian

Further to our telephone conversation this morning, I am writing to confirm my suggestion that the DCC hearing of the Tesco application should be deferred unless you have 100 per cent confidence that a decision to approve the application will not end up be taken successfully to judicial review. In reaching your decision on this, you said you would study the Kingsley Smith letter which you said you had received this morning. I am bound to say that I do not understand what is a highly technical letter, but I hope that your new director of planning will already be fully up-to-speed on all the issues it raises. Again, I would counsel a deferral if you or she had any doubt that she has enough knowledge of the application to

have full confidence in the advice being proffered by planning officers, she having only started in her new role yesterday.

I have also had a look at the traffic assessment. (I am mystified as to why this did not come my way much sooner, seeing as traffic was the issue which tripped my letter to the Secretary of State last year – but that is not your fault.) It is a useful document. The reduction in the number of miles travelled is interesting, but the most contentious part of it is not included in the summary or the conclusions. It is about traffic congestion in the immediate vicinity of the site.

The main issue is the additional congestion which will occur, whose main cause is the increased traffic and the effect of the rail bridge restrictions, for which there is no remediation planned. The assessment says that traffic on Station Road will be increased by 13.6 pct and 23.2 pct on the Friday morning and evening peak against the “2017 base”. (Table 7.5, p 22) (I guess the 2017 base will reflect growth from the present day, so in fact the Friday increased peaks post-Tesco substantially higher the 13.6 pct and 23.2 pct above present Friday peaks. Similarly, traffic flows on Cox’s Hill will be 3.9 pct and 7.1 pct up on 2017 – also an understatement against present day traffic levels. I note that junctions and roundabouts are all forecast to have spare capacity, but it is the bridge restrictions which restrict capacity, and there are no measures to mitigate them. In fact, unless I have missed it in the assessment, there is no reference to the effect of increased traffic on the congestion caused by the rail bridge restrictions. Is this a lacuna in the assessment which DCC needs to have addressed before a decision can be made? Again, I would counsel that the decision be deferred if there is any doubt about this. That would be grounds for judicial review in my own humble opinion.

Please can you assure me that this issue will be central to the decision to be taken by DCC tomorrow. I would be grateful if a copy of this email could be tabled in order to provoke suitable discussion. If I have misinterpreted the traffic study in any way, the planning officers will be welcome to make that clear at the meeting.

If you can give me these assurances in good time before tomorrow’s meeting, I am not minded to ask the Secretary of State to reserve his right to call-in the application. This is a decision which TDC should be competent to make. However, please can you come back to me as soon as you can – by 12 noon tomorrow latest, if that is not too unreasonable.

I am copying this email to Cllr Patten who has been raising these matters with me, and, as a courtesy, to Cllr Carlo Gugliemi, who holds the planning portfolio.

All best wishes

Yours

Bernard

**Bernard Jenkin MP** (Harwich and North Essex)  
Chairman, PASC (Public Administration Select Committee)  
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3. The Environment Agency has responded to additional information submitted by the applicant as follows:

- Recommend that emergency planners consulted on flood response plan;
- Recommend condition that development carried out in accordance with FRA, in particular measures related to surface water discharge rates; construction of building to withstand hydrostatic and hydraulic pressures and the setting of finished floor levels 600mm above ground level;
- Advice in relation to flood response plan.

An additional condition is proposed to cover surface water discharge

4. The Assistant Head of Technical and Procurement has provided advice on the submitted flood response plan. A condition is already recommended to address this.