

AMENDMENT SHEET

**Planning Committee
15 February 2018**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 171279 - BP Eastwood, Eastwood Service Station, Ipswich Road, Colchester

One further representation has been received from a neighbour.

The full text can be read online. In summary it highlighted the following:

- The Council did serve a Breach of Condition Notice (BCN) when the original breach was reported.
- It asked when the Council considers the BP staff can arrive.
- Further detail of the harm that is occurring to neighbours for the operation was provided.
- If the staff don't put the ATM shutter down people will try to gain access to the site to use it.
- It states that the digital displays on the pumps are sometimes left on when they should be turned off.
- The streetlights do not stay on all night.

In response:

It is correct that the Council served a BCN when the breach was first reported. BP have then taken action to deal with the issue and hence the application that is in front of Members now.

As set out in the two legal opinions that can be seen online and are detailed in the committee report, the Council cannot control the staff arrivals and departures times.

The digital displays on the pumps will be controlled as per the submitted lighting protocol. If they are being left on and not dimmed BP would not be complying with the protocol and therefore further action would be available to the Council if it was expedient to do so.

The closure of the ATM shutter is reliant on the staff when they shut the shop. Sometimes mistakes will be made but it is not held that in these rare instances a level of harm to neighbouring amenity is reached that warrants a refusal of the scheme.

The report does not state that the streetlights are on all night. They are on from 5am to daylight and then come on at dusk until 1am. So whilst they do go off, they are on prior to the staff arriving and are on past the time they leave the site.