

AMENDMENT SHEET

Planning Committee
06 July 2023

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.2 230758 – Dinghy Park, Former Cooks Shipyard, Walter Radcliffe Way, Colchester

Following further research into permitted development rights. Regulations have previously been introduced via the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) ("the General Permitted Development Order") Schedule 2, Part 12, Class BA. This provides an additional allowance for Local Authorities to hold outdoor markets without the requirement of planning permission. This right also allows also "allows the erection of moveable structures, such as stalls or awnings".

As such, it is an error in the Director's Report as there is no limitation on the number of days a Council could hold an outdoor market. Paragraph 4.7 should be amended to state "Councils, including Wivenhoe Town Council, no longer need planning permission to hold an outdoor market due to the permitted development rights provided under The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) ("the General Permitted Development Order") Schedule 2, Part 12, Class BA."

A late representation has also been received. This is provided in full below and is also summarised as:

- Impact upon boat owners who use Dinghy Park
- Too remote from toilet facilities
- Harm to the area and locality

I am writing to you with some responses to the Questions Colchester Planning have raised with Wivenhoe Town Council under Document entitled 'JUSTIFICATION' posted on the Planning Application site 22nd June 2023.

Would you please circulate my email to the other Committee members?

My first observation is in response to this Question:

What about the people who want to use the Dinghy Park facilities?

WTC: "We have contacted the users and they would be happy to move their dinghies to one end of the site or offsite for a one-off event such as a Christmas market. Alternative spaces at one end of the park will be offered to make way for an agreed permanent alternative use."

My understanding is that this Application isn't for a 'one-off event'. It is to hold up to 14 'events' a year or more if Planning Permission is sought. My property overlooks the Dinghy Park. At one end are four (4) marked spaces belonging to the commercial units. At the other end is an open public area. Has WTC contacted ALL the owners of the kayaks, canoes, small boats, larger boats, trailers and gained consent to move (and subsequently move back) not just for a one off Christmas Market but to move (and move back in a timely manner) up to 14 times a year? They would have to do this, more or less, simultaneously. Otherwise some craft will be back in their spaces, others still scattered around 'one end' of the site. What about those who can't be contacted. How will they feel, having paid for their slot, to have to be 'on hand' to keep moving them. At the moment, there are divisions between every three or four spaces. The public do not walk through the area where these dinghys are parked. If they are all temporarily relocated to one end, this is where the public walk. There is a real mix of people accessing this area. Could this become an insurance issue? WTC may also lose out on the parking fees levied on these craft as owners become bored with being required to keep moving them. There is also mention of 'an agreed permanent alternative site'. I would be very interested to find out where this 'site' could materialise from? The reason the Dinghy Park is located where it is, is that the water is nearby, the pontoon is nearby. It is an ideal space for what it currently is and what the original concept was.

There are no services or WC facilities associated with the site. How will these be provided?

WTC: "There are public toilets at the High Street car park."

Really! They might as well respond with: "We've noticed there are very good loos in Fenwicks". Nobody will want to talk that far. Remember the narrow winding road that connects the Dinghy Park with the High Street. There will now be punters trying desperately to get to the loos through these streets already congested and, in parts, without pavements. Where will the market traders be able to use a loo? They will be there much earlier and will leave much later than the punters. Are they expected to leave their stalls to walk to the High Street and back?

Your Question also wasn't answered in full by WTC. They missed out a response to: "There are no services". That's right. There is NO power, NO water, NO electricity, NO rubbish bins. WTC apparently have a solution to the NO rubbish bins. They are going to walk/drive them there each market day (or whatever other type of day they're planning) and then walk/drive them back. Excellent, potentially up to four additional car journeys. Perhaps they could give somebody looking for the WC facilities in the High Street a lift.

I understand that CCC Officer's advice is that their Council's Development Team has considered the Variation and found ... NO REASONS TO RESIST. Could I submit the above as some possible reasons to resist.

The original S106 Agreement was negotiated by Jonathan Frank/Lexden Restoration & Development Ltd with Wivenhoe Town Council over many months. A wide range of public facilities were agreed and delivered. WTC's inability to make some of these facilities work financially for them is, in itself, telling. Why would they be any better with their market stall scheme when the above is taken into consideration. Over forty (40) Objections were lodged to this Application. Isn't that something for the Council's Development Team to consider ... at least?

This is our, relatively unspoilt area. It is beautiful ... it's quiet. The thought of a Christmas Market with people wassailing in front of your home is offensive. We do not need to try and commercialise every available space. The intrinsic value of this area is in its connection with nature. This holds far greater value than any monetary gains WTC are hoping to make. We need to keep the integrity of this area without trying to turn it into some retail pop-up experience. Not all areas should have a monetary value. We evolved in nature not within a retail unit.