

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
28 April 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

37 - 43

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
28 April 2011

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED

7.1 110503 – Tubswick, Mill Road, Colchester

Application withdrawn by applicant/agent.

7.2 110314 – 222 St Andrews Avenue, Colchester

Late comments were received from Mr Shanks the owner of 224 St Andrews Avenue, who is unable to attend due to a serious family illness.

Mr Shanks reiterates the proposal will adversely affect the peaceful enjoyment of his property and makes the following comments with reference to the Planning Application form dated 7 March “Responses to Local Requirements”:

- 1. Daylight/Sunlight Assessment - *Does not breach any of the impact on neighbour’s criteria.* It is unclear to me how this comment could have been reached as my recent photographs highlight the reduced light if the extension was built.**
- 2. Overbearing - A 45 degree angle has been mentioned and as I don’t fully understand this procedure I would like to recommend a second inspection and recommendation to be conducted in the afternoon to hopefully prove what I suspect as being wrong.**
- 3. Overshadowing - As for overbearing**
- 4. Privacy - I believe this does infringe on my privacy as this extension will only be one metre from my fence. I currently use this area frequently to barbecue etc. Secondly, a mention of a 30 metre boundary has been written and a second inspection and clarification would thoroughly identify this finding.**

5. **Previous Application** - **At the bottom of this form it was clearly written that a similar application had been approved in 2004. I would like to emphasise that the previous owner rented the property out and as he didn't live in the property he didn't object.**

Officer Response:

The impact of the proposal on the amenity of this neighbour was considered in the main report. It is accepted the proposal will have some impact. Nonetheless the proposal generally complies with the guidance in the Council's adopted SPD 'Extending Your House'.

- 7.3 110523 – 33 Barrack Street, Colchester

Spatial Policy comment as follows:-

“33 Barrack Street is allocated as predominately residential as shown on the LDF Proposals Maps and therefore a use which is in keeping with the residential nature of the area would be expected. The north side of Barrack Street is allocated as a Neighbourhood Centre which provides a range of uses to support the surrounding residential areas. The southern side of Barrack Street currently also has a number of commercial units on the ground floor which further adds and contributes to supporting the residential amenity in this area. Although the site is allocated as residential this part of Barrack Street provides a wide variety of uses for the neighbouring residential areas.

The unit was last occupied by a Bookmakers but has been vacant for an extended period of time (approximately one year as outlined by the application form) so it is important that the unit is brought back into commercial activity to support the mix of uses currently found in this area. The proposal will ensure that the unit is occupied by a local company which has outgrown the COLBEA centre it currently operates from.

The proposal will support a local business, bring a vacant unit back into use and provide employment opportunities within an area characterised by a range of uses. The Spatial Policy Team does not have any significant objections to this proposed application and consider that bringing the unit back into use is in accordance with policies within the Colchester LDF.”

The Highway Authority has withdrawn their previous recommendation for refusal. This is on the basis of additional information that has been submitted to them by the Applicant. The Highway has now made a recommendation of no objection.

Additional information has been submitted by the applicant – please see attached sheet.

In view of the additional information submitted by the Applicant, it is recommended that condition 6 should be deleted and replaced with the following condition:-

6 – The use hereby permitted shall not be carried out other than between the hours 07:00 – 20:00 Monday to Friday, and 08:00 – 17:00 hours Saturdays, Sundays and Bank Holidays.

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

RECEIVED
21 APR 2011

Dear Mr McKeever

Thank you for your emails in respect of the application for 33 Barrack Street. Although I was somewhat surprised by both your comments and those of Essex County Council I appreciate you taking the time to point out your concerns and to allow me to respond. Maybe I did not explain the intended use as clearly as I could have in the application submission documents and welcome the opportunity to do so now.

Since your original email I believe Essex County Council Highways have withdrawn their objection and I have had sight of your committee report and will comment on the recommendation set out within that.

Background

The proposed use as an office is not intended to be open to the general public. For the majority of the time there will be only 1 or 2 people present in the office as by the nature of our business all staff apart from part time secretaries are based on site. Vehicular movements and noise will be minimal as a result. Use of the office on a Sunday or bank holiday will be very occasional but is required to cover those exceptional times when a director may need to catch up on paper work.

The current authorised use is as a bookmakers. This was granted permission in 1988 and there was no restriction on opening hours. One might therefore expect customers to be dropping in at all times of the day and evening, 7 days a week. The authorised A2 use does of course allow a change to an A1 retail unit without the need for any form of planning permission. Any form of shop could be established with unrestricted opening hours.

The premises will be the base for my company which as I explained in the original supporting letter, is looking to consolidate and establish itself in a building, which we will own, to afford us some certainty and stability. In these tough economic times I would like to think the Council would be encouraging local businesses to do just that. Indeed the Government have just this week published a number of statements about economic growth. I have copied some relevant extracts in the appendix to this letter.

I will now take each point in turn;

Opening Hours

As stated above there are no restrictions on the opening hours of the current use. Although opening hours vary between betting shops they are typically 9am – 9.30pm Monday to Saturday (including bank holidays) and 11 – 6pm Sunday. These are the hours operated by Bobby Swift. By their very nature they need to be open to cover major sporting events which often take place in the evenings and during bank holidays. This involves televising events which could cause noise every time the door is opened, in addition to disturbance caused by customers entering and leaving the premises.

The proposed office hours are less than those usually adopted by betting shops. The proposed use will also only involve occasional weekend use by one or both of the partners. Therefore vehicle movements on a Sunday will be minimal (2 vehicles in and out max.) Therefore your concern about the noise and disturbance caused by the proposed opening hours appears unfounded. I notice it is not based on a recommendation from Environmental Control and given the existing background noise levels in Barrack Street I find it hard to understand the basis of your argument. In addition to the traffic noise at all times of the day there are a number of other commercial uses in the immediate vicinity generating lots of visitors that are open for much longer;

- Rose Kebab – open 7 days a week (until 3am Thursday to Saturday)
- Phil and Jans – open 24 hours a day, 364 days of the year.
- Chinese Takeaway – open 7 days a week until 11.30pm (incl. Sundays and Bank Holidays)
- Fish and Chip Shop – can open until 10pm Monday to Saturday
- Launderette – open daily until 7pm (incl. Sundays and Bank Holidays)
- Newsagent – open daily from 6am to 9pm (incl. Sundays and Bank Holidays)
- To the rear of the property the Audi garage sales hours are 8.30 am – 7pm Mon – Friday, Saturday 9am – 5pm and Sunday 10am – 4pm.

I now see that you are suggesting a condition restricting hours as follows;

6 - A5.1 Industrial Uses

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 07:00 to 20:00 hours Mondays to Fridays, 08:00 to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

Whilst happy to comply with the suggested condition, because no machinery, assembly or storage takes place at the premises, it is suggested that an informative is added to clarify that office use is permitted on a Saturday afternoon and Sundays/bank holidays. As detailed in the application the required office hours are;

- 7am – 8pm Monday to Friday
- 8am – 5pm Saturday and Sunday.

I hope therefore that the hours set out in the application form can be agreed by the committee when they consider the application.

Highways Objection

The premises were last used as a bookmakers with a large catchment area, vast passing trade and numerous shared trips by people visiting other commercial premises in the vicinity. The opening hours were similar to those described above ie 7 days a week until approximately 9.30pm. People were therefore coming and going at all times throughout the day and evening. It is

therefore hard to conceive how anyone could believe that an office use which generates on average 6 vehicle movements a day would amount to an intensification. The car parking standards set out in the Essex County Parking Standards document also acknowledges this by requiring a higher number of spaces for a bookmakers compared to an office: The standards require a maximum of one parking space for every 30 sq m of office floorspace as opposed to one for every 20 sq m of betting shop floor area. If a retail shop was opened in the premises (over which there would be no control) the car parking requirement would be 1 space for every 20 sqm or 1 space for every 14 sq m for a food store.

The premises at no. 33 has an existing vehicular access which has been in existence for decades. It is between existing buildings and there is no scope to widen the access to allow 2 vehicles to pass or to improve the visibility splays. However, the access and the car park at the rear provide valuable off street parking which few other premises benefit from. There is adequate room for turning of vehicles and there is no reason why vehicles would reverse on to the highway.

As mentioned above the intended use is very small scale. The vehicular movements estimated above are based on the existing business practices; One administrator will work at the site Monday to Friday only generating 2 off peak vehicle movements per day in a small car. The two directors split their time between the site and the office. They have Landrover Freelander vehicles. When they are in the office they tend to be there all day or leave to go on site and not return. There are no large vehicles associated with the business.

On the basis of this information I understand Essex County Council Highways and Transportation Dept. have retracted their original recommendation and confirmed that they have no objection to the application.

Conclusion

I hope that by setting out the additional information above you and the committee will see fit to approve the application as set out in the submission documents. There will be no intensification of use of the access and the hours of operation proposed are less than was previously the case and as such they would not cause any noise or disturbance to nearby residents.

David Syrett
21.4.11

Annex 1

Ministerial statement with relevant extracts underlined;

Decentralisation minister Greg Clark told Parliament: "The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably..."

Clark said that the Secretary of State for Communities and Local Government would take the principles in the statement into account when determining applications. "In particular he will attach significant weight to the need to secure economic growth and employment".

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SUPPLEMENTARY AGENDA

Part B

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Pages

There are no Section B Items