

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
18 November 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

. Amendment Sheet

174 - 182

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
18 November 2010

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

- 7.1 091559 – Former Cook’s Shipyard, Phase 3, Walter Radcliffe Way,
Wivenhoe

A letter has been received from Wivenhoe Town Council and is
produced in full (see attached).

Officer’s comments:-

1. ***Application 091559 Phase 3 of the Cooks Shipyard site was received on 2 December 2009 and the Town Council was notified on 7 December 2009 and commented on 2 February 2010.***
2. ***The condition requested by the Highway Authority has been deleted as these facilities are secured in the Section 106 Agreement. The 8 January 2010 date is the date the Highway Authority received the consultation. The response was not received until the 31 August 2010, too late to be included in the Committee report and hence it was circulated at the meeting.***
3. ***Legal Services have concluded the recent footpath diversion in consultation with ECC. The existing Section 106 Agreement includes a provision for permissive rights of way for pedestrians (shown in light blue on the Section 106 plan); these permissive rights are shown on the current application and will be secured in the new Section 106 in the same way.***
4. ***Essex County Highways was asked to reconsider opening Queens Road and has indicated this is not acceptable. If the Town Council has concerns at the closure of this road or any other access road these issues should be taken up separately with the County Highway Authority.***

7.3 102021 – 1-3 Kingsland Beach, West Mersea

Amended plan received showing provision of visitor parking space and increased size of parking bays to comply with adopted standard.

7.5 102060 – Hall Road, Tiptree

Spatial Policy comment as follows:-

“The Planning Policy Team commented on the earlier approved application (100684) for the relocation and extension of the International Farm Camp to provide more accommodation and improved facilities for the seasonal workers employed by Wilkin & Sons during their growing season.

The current application provides for new communal facilities associated with the improvement to the International Farm Camp and the need for this is demonstrated as part of this application as well as the earlier application.

Although the site is outside of the existing Tiptree Settlement Boundary as identified on the Tiptree Proposals Map the use of the site is of an agricultural nature which has been agreed by application 100684 and therefore appropriate to this location. The Planning Policy Team has no objections to this application because it closely relates and is intended for use by the seasonal workers employed directly by Wilkin & Sons.”

Tiptree Parish Council objects on grounds that this is an encroachment outside of the village envelope, noise nuisance to existing dwellings, the lane is too narrow and there is no evidence that existing buildings cannot be upgraded.

Officer Comment

The existing development at the IFC is all outside of the defined development area for Tiptree. It is also noted that Spatial Policy have not raised any objections in terms of the LDF Core Strategy policies and Development Plan Document policies.

The re-siting of the community building has been in order to minimise any potential impact upon the residential properties to the north and on the opposite side of Hall Road. Environmental Control have not submitted any objections in terms of noise/disturbance related considerations.

The Applicant has justified the new building on the basis that the existing building can not meet the standards that are now required in terms of being a sustainable building or providing or appropriate standard for the employees accommodated on this site. No further details have been provided. Notwithstanding these considerations the proposed location is better located in terms of any potential impact upon the neighbouring dwellings and in terms of its functional relationship to the location of the mobile homes.

Highway Authority has not raised any objections in terms of the impact upon the local road network.

The objections from local residents include comments that the development is contrary to PPS 7 which seeks to protect the countryside for its own sake and DP9 (Employment uses in the countryside).

Officer Comment

In terms of PPS7 the site forms part of the agricultural holding of Wilkin & Sons, which has an established, lawful and approved use for the accommodation of temporary agricultural workers employed by this company. The community building forms part of this use and is a replacement for the authorised building. The design and external appearance is in keeping with its rural location.

With regard to policy DP9, the objection refers to the replacement buildings only being permitted where the existing development is visually intrusive or otherwise inappropriate in its context. Proposals will only be supported in exceptional circumstances where there are no appropriate buildings and the need has been adequately demonstrated.

Officer Comment

The response to the Parish Council concerns also apply to this particular objection.

7.8 101770 – The Oak Stores, Hardy’s Green, Birch

The Landscape Officer comments as follows:-

“The proposal lodged on 14.09.10 would appear satisfactory in landscape terms provide that as a minor amendment to the application it is proposed that a native hedge be planted to existing field boundaries to the south and west of the site rather than these boundaries being left open; this to help the development complement and reinforce existing landscape character

The following condition is recommended :-

C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

Letters of support have been submitted by the occupiers of De Havilland House and Acorn Lodge on the basis that this development will improve the appearance of the area.

7.11 102062 – Ashgrove Cottage, Grove Hill, Langham

The Parish Council’s comments have been received on the revised drawings – recommend conditional approval.

Revised UU has been received.

7.15 101743 – Berechurch Hall Road, Colchester

The applicant has submitted details and photographs of the mobile home they intend to place on the site if permission is granted, as required by draft condition 4 in the Officers report to Committee. The details are as follows: “The make and model of the mobile home is a Cosalt Monaco 34x10 (2 bedroom). The dimensions of the mobile home are 34ft. x 10ft.” A photograph has been attached to the committee presentation.

The details are considered acceptable. It is therefore recommended that condition 4 be deleted and condition 5 be amended to read as follows:

“No more than one mobile home shall be stationed on the land at any time, the dimension of which shall not exceed 34 ft x 10ft unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission.

Agenda Item 8 – 314 Cowdray Avenue, Colchester

Application No. should read 091034 not 090342 as stated in the heading.

Agenda Item 9 – Stonefield, Kelvedon Road, Inworth

Letter received from Messing Cum Inworth Parish Council stating:-

“At the Messing Cum Inworth Parish Council meeting on Tuesday 16 November your letter regarding the enforcement report on the two marquees at Stonefield, Inworth was discussed.

Whilst the Parish Council is fully aware of the Borough’s legal obligations to deal with the unauthorised use of the marquees, they are none the less concerned that their removal would have a detrimental effect on the trading at the village shop/greengrocers and local customers.

The Parish Council were unaware this problem has been so long on going but are anxious to support local trade and would support any alternative arrangements that the Planning Officer and trader put forward.”

WIVENHOE TOWN COUNCIL

Town Mayor: Cllr. Brian Sinclair ~ Town Clerk: Antoinette Stinson

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AJS/CPL PL.8

22 October 2010

Cllr. Ray Gamble,
Chairman,
Colchester Borough Council Planning Committee,
Town Hall,
Colchester,
Essex.

LODGED

Dear Cllr. Gamble,

Phase III Cook's Shipyard, Wivenhoe

You will be aware that the Town Council has a substantial and long standing interest in the development of Cook's Shipyard. The interest extends beyond parochial concerns over planning issues into the proprietary.

The Background. The Town Council entered an agreement with Colchester Borough Council and the then developers, Lexden Restorations Ltd., under Section 106 of the Town & Country Planning Act 1990 on 5 November 2005. The Town Council agreed to take 999 year leases of the Wet Dock, the Fisherman's store, a Slipway, a Car Park and a Dinghy Park. This was an innovative idea intended to secure public open access, so that all the residents of Wivenhoe could enjoy that part of the River Colne.

The Problem. It has been brought to the Town Council's attention that an application to proceed with Phase III of Cook's Shipyard was discussed at the Borough Council's Planning Committee on Thursday 9 September 2010. A number of matters arose that are the cause of concern to the Town Council. This letter is intended only to address those issues arising from that meeting and not the wider questions of Borough Council's handling of the development.

1. The Town Council is informed that this is considered as a new Planning Application by the Borough Council's Planning Department. This assertion is irregular as a new planning application must be presented to the Town Council for its views as Statutory Consultee. This did not happen on this occasion.



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2. In the additional papers circulated at the meeting there is a document dated 8 January 2010 where Essex County Council Highways imposed conditions on the public car park which are contrary to the existing S106 Agreement. The final line of the 4th condition on the second page states "The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development". Whereas the S106 agreement states in the Definitions "The car park means all that land coloured brown on the Plan which is to be used as a public car park (with or without charge)." The two documents appear to conflict.

The Town Council was not formally notified of this condition despite its adverse impact on it as a party to the S106 Agreement. It only became aware of the condition by chance when Cllr. Fox attended the Planning Committee meeting of 9th September at which that document was circulated.

The Town Council would be grateful for an explanation of the reason that the County Council Highways Dept was approached initially and if the County Council was aware of the S106 Agreement. Most importantly, Wivenhoe Town Council would appreciate an explanation as to the reason that a document drafted on 8th January was not circulated until immediately prior to the meeting.

3. It is also a matter of some concern to the Town Council that the footpaths transecting the site have been re-routed in a way that is contrary to DEFRA policy set out in circular 01/09. The Town Council remains committed to unrestricted public open access to Cook's Shipyard as matter of right and not a matter of permission, grace or favour of the landowners. The Town Council understands that it was suggested that the public access be granted by way of a covenant, but it is unclear how the covenant will be enforced and by whom. It is the Town Council's view that it is completely unacceptable that the protection afforded to a Public Right of Way should be replaced by an unenforceable covenant with all the dangers it presents.

4. The Town Council notes the decision to ask the Essex County Council Highways Authority to reconsider the closure of Queens Road and reminds the Borough Council that it has been the Town Council's long-standing view that not only Queens Road, but all roads in lower Wivenhoe should remain open to free and unrestricted access.

The minutes of the meeting state that the application was deferred for further consideration of a number of matters.

The Planning Committee meeting of 9 September is yet another episode in the unsatisfactory handling of this development by Colchester Borough Council over the last four years. The Town Council's goodwill towards the Borough Council in this important matter is exhausted. A copy of our Solicitor's letter to your Chief Executive is enclosed by way of background information together with a reply by the Head of Planning and Protection.



The Town Council has been placed in a difficult position and has not been assisted in any way either by the developers or the Borough Council. However, the Town Council remains committed to the principle of public open access on Cook's Shipyard, but will continue to work for an accommodation that will satisfy all parties and without undue delay.

You may be interested to know that Bernard Jenkin, MP has kindly offered to use his good offices to try and resolve the issue.

I look forward to your reply.

Yours faithfully.



Antoinette Stinson
TOWN CLERK

Cc Ward Cllrs. Cllr. Julie Young,



WIVENHOE TOWN COUNCIL

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17/11/10

Dear Planning Clerk

091559 Former Cook's shipyard - Phase 3, Walter Radcliffe Way, Wivenhoe.

My Council has asked me to write to you in regards of this planning application to emphasise the Town Council's concerns about the recent footpath diversions and public access.

Granting public access to the waterfront, should, in the Town Council's view be best achieved by designating it as a Public Right of Way.

In the absence of a PROW designation along the waterfront you can understand the Town Council's lack of confidence that the Borough Council's proposed arrangements will secure this. The Town Council would want to be consulted on the new Section 106 Agreement as they are a party to it, to ensure that there is the highest protection for local residents in gaining access to the waterfront.

Concerning recycling facilities the Town Council also request that any planning consent includes a condition that waste arrangements for Phase 3 should support proper segregated waste collection, as currently implemented by the Borough. At present there is no separate card, glass, paper or compost bins or collections and segregated waste is left uncollected, or sent to the landfill.

Finally, the Town Council would like these concerns presented to Thursday's planning meeting and read out to the meeting.

Any problems please let me know.

A.J. Stinson

Mrs. A. Stinson,
Town Clerk
For Wivenhoe Town Council



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SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items