

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
24 May 2012 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**. Amendment Sheet**

**66 - 74**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
24 May 2012

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

### 7.1 120151 – University of Essex, Wivenhoe Park, Colchester

Colchester Cycling Campaign has made the following further representation (summarised):

- The Committee report fails to give enough weight to the comments of CBC's Transportation Policy Officer  
*Officer comment: The Officer's views are included in full as part of the report that is presented to Members. These comments have been considered as part of the overall determination process relating to this application, leading to the recommendation to Committee.*
- The number of car park spaces already far exceeds that set under CBC's 2009 adopted car park standards yet the university is issuing double the number of car park passes. It is basing the need for the new car park on this manufactured demand.  
*Officer comment: The parking situation at the University has developed over a number of years where expansion of facilities has not been matched by parking space provision. Your officer is satisfied that there is a need to provide additional spaces on the University campus.*
- If this new car park goes ahead, it will lead to more university staff and students driving to work, which will hugely increase congestion in the university area. Drivers who use Wivenhoe Road, Alresford Road, Clingoe Hill and the A133 between Elmstead and Colchester should be shouting loudly about this.  
*Officer comment: The car park is proposed to meet a currently unmet demand that has led to parking in the streets surrounding the campus and also on verges and overspill areas on the campus itself. Importantly the Highway Authority does not raise an issue in relation to the existing infrastructure in the area being unable to cope with traffic generated by the University.*

- CCC notes that the university has agreed to fund the Wivenhoe-University cycle path as part of this application. However, the extra traffic that will be created by this new car park will put off would-be cyclists who have to use other roads and junctions on the approach to the university. In addition, this funding is coming from the s106 funds for the Knowledge Gateway, which is a case of robbing Peter to pay Paul. We need green transport measures at Knowledge Gateway, too, not least a remodelling of the "cycle" bridge to university quays.

*Officer comment: the improvements to the footpath and cycleway link from the University to Wivenhoe would, it is felt, encourage pedestrian and cycle modes of travel between the two points and on to the wider network. The proposal before Members is that the funds used from the Knowledge Gateway agreement would be replaced at a later date.*

Members are advised that the wording of the recommendation at paragraph 18 of the Officer's report has been amended. This is to make sure that the requested sum is used solely for the proposed University of Essex to Wivenhoe cycling and walking route, to avoid doubt. Essex County Council as Highway Authority is content with this revision. The re-wording is as follows:

'A contribution of £250 000 to be secured that would be used to fund the proposed University of Essex to Wivenhoe cycling and walking route.'

**Councillor Manning has requested that the attached car park survey information is circulated to Members for their information (as follows):-**

ESSEX UNIVERSITY: COLCHESTER CAMPUS

CAR PARK SURVEYS

<b>WEDNESDAY 29<sup>th</sup> FEBRUARY 2012 - Weather: Sunny - 10:30 to 11:35</b>				
	Vehicles	Empty Spaces	Unauthorised*	% Occupied
<b>CAR PARK B</b>				
General**	375	10		97.4%
Visitor***	10	18		35.7%
Sports Centre Permit Holders	2	4		33.3%
<b>CAR PARK A</b>				
General**	116	0	3	102.6%
<b>PARK ROAD OVERSPILL</b>				
General**	45			
<b>PARK ROAD VERGE</b>				
General**	0			
<b>VALLEY ROAD</b>				
Aisle 1: General**	78		3	103.9%
Aisle 2: Reserved	92 spaces reserved for visitor day parking controlled by wardens			
Aisle 3: Barrier****	64	31		67.4%
Aisle 4: General**	76	4		95%
Aisle 5: General**	32	0		100%
Aisle 5: Visitor***	31	1		97.1%
<b>CONSTABLE CAR PARK*****</b>				
General**	73	3	1	97%
<b>NORTH TOWERS CAR PARK</b>				
General**	355	4	4	100%
Barrier****	51	22		69.9%
Reserved for Day Nursery	4	9		30.8%
Adjacent to Road*****	26			
<b>NORTH TOWERS OVERFLOW</b>				
General**	58			

<b>TUESDAY 6<sup>th</sup> MARCH 2012 - Weather: Sunny Intervals - 11:00 to 11:50</b>				
	<b>Vehicles</b>	<b>Empty Spaces</b>	<b>Unauthorised*</b>	<b>% Occupied</b>
<b>CAR PARK B</b>				
General**	385	1		99.7%
Visitor***	12	16		75.0%
Sports Centre Permit Holders	1	5		16.7%
<b>CAR PARK A</b>				
General**	116	0	2	101.7%
<b>PARK ROAD OVERSPILL</b>				
General**	53			
<b>PARK ROAD VERGE</b>				
General**	26			
<b>VALLEY ROAD</b>				
Aisle 1: General**	78		4	105.1%
Aisle 2: Reserved	92			100.0%
Aisle 3: Barrier****	61	34		64.2%
Aisle 4: General**	80			100.0%
Aisle 5: General**	32	0		100.0%
Aisle 5: Visitor***	29	3		90.6%
<b>CONSTABLE CAR PARK*****</b>				
General**	76	0	1	101.3%
<b>NORTH TOWERS CAR PARK</b>				
General**	359	0	2	100.6%
Barrier****	41	32		56.2%
Reserved for Day Nursery	4	9		30.8%
Adjacent to Road*****	25			
<b>NORTH TOWERS OVERFLOW</b>				
General**	54			

\* Unauthorised - Vehicle not parked in marked bay

\*\* General – Permit Holders & Parking Tickets

\*\*\* Visitor Parking – Parking tickets only.  
\*\*\*\* Barrier Parking reserved for members of staff who pay an additional annual fee.  
\*\*\*\*\* Constable Car Park – 8 parking spaces being used a construction compound.  
\*\*\*\*\* Adjacent to road – Area surfaced with matting material - parking spaces not marked out.

## 7.6 120411 – Greyfriars, High Street, Colchester

The applicants' agents have contacted your Officer to point out some errors and omissions and to seek clarifications and amendments. Excerpts from an email received by them on 16<sup>th</sup> May follow:

### **“ Para 4.1**

Section 4.1 of the Planning Committee report clearly does not accurately represent the specific details of this S73 application. The full revised wording of the conditions as requested by our client is set out below:

15. *No hotel guests or other customers shall be permitted on the rear terrace outside the following times, unless otherwise agreed in writing with the local planning authority: 0700hrs - 2330hrs, Mondays to Saturdays and 0700hrs – 2230hrs, Sundays.*
  
20. *Notwithstanding the details submitted, no development shall commence until an amended parking layout has been submitted to and approved in writing by the local planning authority. The amended parking layout shall incorporate the following:*
  - *Switching the location of the powered two wheeler and cycle parking*
  - *Suitable provision for overflow car parking to be made in the area to the north of the formal garden area (the layout and construction of which to be informed by the Arboricultural Impact Assessment and Method Statement).*

*The use hereby permitted shall not commence until the approved areas have been surfaced and made available for use and shall not be used for any purpose other than the parking of vehicles and cycles in association with the use hereby permitted, except for the overflow car parking which will perform a dual function as an amenity area in connection with the hotel.*

26. *No outdoor events shall be held within the site as outlined in red on the submitted plans without prior approval in writing by the local planning authority. For the purposes of this condition, an 'outdoor event' means a previously organised and arranged gathering, event or function held outside of the building(s).*

27. *No outside area within the site as outlined in red on the submitted plans (excluding the bar terrace which is covered by condition 15 and the designated smoking area as shown on the approved drawings) shall be used by hotel guests or any customers and staff other than between the hours of 0700hrs-2200hrs, other than for the purpose of parking and access to the parking areas."*

**OFFICER'S NOTE:** The above text is not drastically different from that reported originally, but the clarifications are useful and welcomed, and it is the above wording which should inform Members' deliberations. These are discussed further down this amendment sheet.

"Para 14.3

Regarding condition 15, we note that officers consider the terminal hour on Sunday should be 2200hrs. However, no justification for this is given in the report and this end time does not accord with that agreed in principle with the Council during our pre-application discussions with John More, Belinda Silk (sic) and Leigh Newman on 31 January 2012. A set of minutes from the meeting is attached herewith for your information. We also note that Environmental Control have no objections to the proposed variation of conditions and the report does not make proper reference to the findings of the noise assessment from Sharps Redmore Partnership that was submitted with this application."

**OFFICER'S NOTE:** The minutes of the meeting between your Officers and the applicants confirm that 22:30 was agreed to. Given this fact, and that 22:30 is still not a 'night-time' hour, your Officer now recommends that the later terminal hour be approved for Sundays – i.e. 22:30. This does still differ, however, from the terminal hour of other outdoor uses (22:00).

'Para 14.4

The Council's position in respect of this condition is noted. However, it is disappointing that the report does not mention anything about the fact that the site is in an accessible town centre location with good public transport links or that the Council's adopted parking standards for 'destinations' such as a hotel are maximum standards. The report also does not recognise that our proposed condition wording would still allow for the provision of an overflow parking area that would be properly surfaced and would deliver 8 additional vehicle parking spaces within the site for use when required.

Conversely, we note that when the original application for the change of use to a hotel (ref. no. 102680) was reported to the Planning Committee, the case officer made the following comments regarding car parking in their report:



*“10.6 The adopted parking standards accept that a lower provision of vehicle parking may be appropriate in town centre locations where there is good access to alternative forms of transport and existing car parking facilities.*

*10.7 The site is located in a highly accessible location within the town centre and a short walk away from other tourist attractions, shops, bars and restaurants and leisure facilities. The level of car parking proposed, whilst below the maximum permissible, is considered appropriate in this case given the site’s accessible town centre location, access to other car parks and with consideration given to cross-visitation between shared uses.”*

Given that the revised condition wording proposed under this application would provide for an additional area of overflow car parking within the site over and above that originally proposed, we are at a loss to understand why Officers now appear to be taking an entirely different stance and are suggesting that insufficient parking would be provided. Certainly we are not aware that the Council has now adopted revised parking standards in the intervening period.

We note that ECC Highways do not object to the proposals and if the LPA is not prepared to amend the wording of condition 20 you will appreciate our client’s only option will be to submit an appeal. The provision of a further permanent parking area that can only be used for such purposes would reduce the amount of outdoor amenity space available at the site to a level that would not be commensurate with the character of this luxury boutique hotel or meet future guest expectations, and would potentially harm the setting of the Grade II and Grade II\* listed buildings.’

**OFFICER’S NOTE:** Your Officers’ recommendation to deny the variation of condition 20 this time echoes Members’ concerns at the time of the previous application 102680 when they requested additional parking. Members will recall that the original Officer recommendation did not ask for this additional parking given the central location of the development.

During the meeting between your Officers and the applicants, your Officers did suggest that an application for the overflow parking could be supported by 1) a revised layout plan detailing the surfacing to be used in the dual function area and hard/soft landscaping; 2) details of any existing parking restrictions in force within the locality (e.g. on Roman Road and Castle Road) and; 3) an updated arboricultural report detailing the effect of the additional parking area (as requested by Members at the last application) on the protected Holm Oak.

This extra information (minus the arboricultural report) has been received as part of this application and Members may wish to reconsider the insistence on the extra permanent parking as per the original condition 20, and to consider the overflow car parking, which is being offered.

"Section 15.1

We consider the statement here that: "Condition 20, to reduce the amount of parking, is not supported", is totally misleading. This application does not propose a reduction in the amount of parking at all. In fact, it is quite the opposite. We are proposing to provide an additional area within the site that could be used as overflow parking when required in accordance with Members' wishes and this area is clearly shown on the draft landscaping plan that was submitted with this Section 73 application. This overflow parking would be over and above the permanent parking provision that would be made within the site."

**OFFICER'S NOTE:** The comments about 'reduction' of parking refer to the permanently laid out parking provision rather than the net amount of permanent plus temporary, which it is accepted would constitute an overall increase.

'Section 16.1

Condition 26 – Whilst our client would not necessarily object to providing a scheme requiring notification of neighbouring premises, for the avoidance of doubt it should be made clear to the Planning Committee that it would be the role of the local planning authority, and not the neighbours, to determine whether any such events as may be proposed are acceptable. We would therefore suggest the condition is re-worded as follows:

*26. No outdoor events shall be held within the site as outlined in red on the submitted plans without prior approval in writing to the local planning authority and appropriate notification to neighbouring premises. For the purposes of this condition, an 'outdoor event' means a previously organised and arranged gathering, event or function held outside of the building(s) [e.g. Weddings]. Prior to the use permitted coming in to force the applicant shall agree a scheme, in writing, which properly defines the terms 'prior approval' and 'neighbouring premises' and the scheme shall be complied with at all times thereafter.'*

**OFFICER'S NOTE:** The sense and content of this condition does not differ dramatically from that already stated, your Officer is happy to accept this re-wording.

'Condition 27 - As set out above, we believe the rewording of condition 27 should include specific reference to the "designated smoking area as shown on the approved drawings" as per our client's request. The start time should also be 0700hrs (rather than 0730hrs) to bring it in line with the hours of use permitted under the re-worded condition 15. We trust this was merely an oversight, because the text in paragraph 14.7 does not indicate that the requested revised start time of 0700hrs is unacceptable to officers and you will be aware that Environmental Control do not object to this proposed start time. We would therefore request that the condition be reworded as follows, as per our client's application:

*27. No outside area within the site as outlined in red on the submitted plans (excluding the bar terrace which is covered by condition 15 and the designated smoking area as shown on the approved drawings) shall be used by hotel guests or any customers and staff other than between the hours of 0700hrs-2200hrs, other than for the purpose of parking and access to the parking areas.*

**OFFICER'S NOTE:**

The discrepancy between the hours applied for, and those quoted in the Committee report may be due to a drafting error. These hours do comply with those agreed in the pre-application meeting between your Officers and the applicant, and this proposal is not opposed.

**For clarification, we must point out that Henry Spyvee is no longer a Councillor. He was, however, a Councillor at the time of calling in this application.**

**The Officer's recommendation is to agree to the variation of condition 20 as submitted.**

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
24 May 2012 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**