

Report of	Assistant Director of Policy & Corporate	Author	Nadine Calder 01206 282424
Title	St Leonard Works, Port Lane, Colchester		
Wards affected	Old Heath & The Hythe		

**This report concerns application reference 212810 and seeks approval to allow for the 3.5-metre-wide footway/cycleway along the two sections of the site's Port Lane frontage to be secured via condition rather than the S106 Agreement**

## 1. Decision(s) Required

- 1.1 Members need to agree to change the Highway Authority's request for the 3.5 metre wide footway/cycleway along the southern and western site's frontage with Port Lane to be secured via condition rather than via a Section 106 Agreement.

## 2. Reasons for Decision(s)

- 2.1 This report is in respect of an application made by Man Energy Solutions Uk Limited, Port Lane, Colchester for outline planning permission with all matters reserved save for access for the demolition of all existing building and structures and the creation of a residential development with associated open space and infrastructure, which was granted permission at the Planning Committee of 20<sup>th</sup> January 2022 subject to conditions and a Section 106 Agreement which is currently being drafted.

## 3. Alternative Options

- 3.1 The Committee could resolve not to change the request for the footpath/cycleway to be secured via condition rather than a legal agreement; this would result in a delay of the planning permission being granted due to Essex County Council being required to be party to the S106 Agreement.

## 4. Supporting Information

- 4.1 The current resolution to grant planning permission for the above-mentioned development is subject to a 3.5-metre-wide footpath/cycleway along the site's Port Lane frontages to be secured via a Section 106 Agreement. This is not necessary, as the works could be secured via condition which would negate the need for Essex County Council (as the Highway Authority) to be party to the Section 106 Agreement which could cause undue delay and administrative work.
- 4.2 The works would still be provided and there would be adequate powers in place for the Council to enforce against non-compliance, should there be any issues with this requirement.

## **5. Proposals**

5.1 N/A

## **6. Strategic Plan References**

6.1 There are no Strategic Plan references of direct relevance.

## **7. Consultation**

7.1 No consultation has been undertaken in relation to this particular request.

## **8. Publicity Considerations**

8.1 N/A

## **9. Financial Implications**

9.1 N/A

## **10. Equality, Diversity and Human Rights Implications**

10.1 There are no Equality, Diversity and Human Rights Implications.

## **11. Community Safety Implications**

11.1 There are no Community Safety Implications.

## **12. Health and Safety Implications**

12.1 There are no Health and Safety Implications.

## **13. Risk Management Implications**

13.1 There are no Risk Management Implications.

## **Background Papers**

Application reference 212810 & associated Committee Report 20.01.22