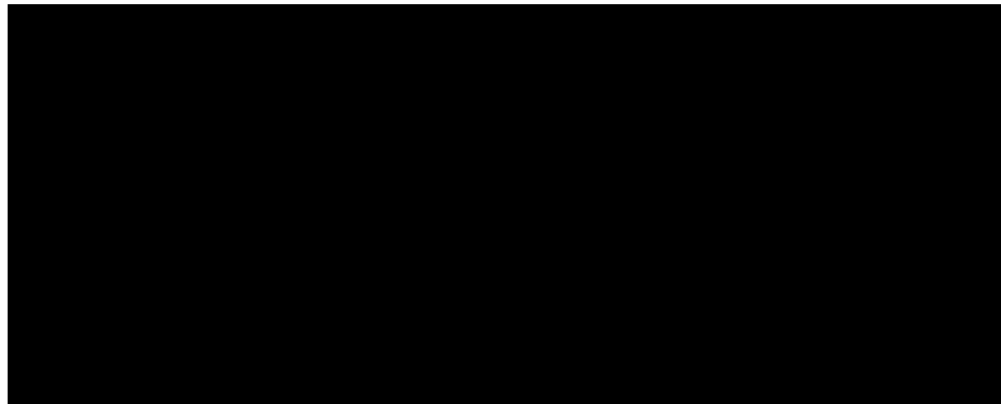


To Alistair Day
Colchester Borough Council
Rowan House
Colchester
Monday 19th October 2020-10-15

Official Objection for the Case file

RE: Planning Committee 22nd Oct. 2020, Item No 8:
Land at Queen Street, Colchester (Appeal ref: 3231964 and
Planning ref: 182120)



I object to either Option 2 or Option 3 from the Officers Report being discussed at Planning Committee on the following grounds

- 1) There is no valid planning application put before the Committee to discuss.
- 2) The date of the meeting is given as 22nd October. The minimum 4-week period for objections from the date the agenda appeared on the casefile, (which was 15th October 2020) has not been met.
- 3) The Planning Committee is being asked to give an opinion on how they might vote in any hypothetical future application being put before them. This is specifically against the Codes of Practice for Planning and the Terms of Reference in the Constitution.

4) Condition 15 in the Appeal decision notice states that " In the event that the access scheme incorporates a ramp, the scheme shall be designed in accordance with the recommendations set out in BS8300 1:2018 Design of an accessible and inclusive built environment and include a protocol for dealing with defects, repair, damage and maintenance."

It is unequivocal. It says "SHALL BE DESIGNED IN ACCORDANCE". It does not say "If convenient": or "if possible" or "": Something approximate to" It gives no scope for flexibility or variation. In legal terms "shall" cannot be interpreted, or overridden by private agreement. The fact that the relevant BS is guidance, not law is irrelevant. The inspector's Grampian condition is a contract in law and must be adhered to before planning permission becomes valid and development starts.

5) The Officers report is defective inasmuch as it does not include the alternative to refuse either option.

6) Should the Committee decide to hear this matter regardless, Option 2 should be REFUSED on safety grounds as there is an admitted and unaddressed danger of falling due to lack of adequate guarding. This is particularly important where the user is sight impaired.

7) Should the Committee decide to hear this matter regardless, Option 3 should be REFUSED on heritage grounds as it involves yet another deliberate major breach in the Town Wall which must be the subject of a full application, public consultation and a specific report from Historic England.

