

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
4 September 2008 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

9. Amendment Sheet

1 - 3

See Final Amendment Sheet.

AMENDMENT SHEET

Planning Committee
4 September 2008

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

7.2 081264 – 67 Collingwood Road, Colchester

The case officer visited the site on 3 September 2008 so that Committee can be provided with further information on the rear garden. There is a passage shared with No. 69 through to the rear of the property with the garden to No. 67 accessed by a low gate. There are several sections of 1.8m high panel fencing dividing No. 67 with the rear gardens of No. 65 and No. 69. These fences then reduce to a 1m high chain link fence. On the rear boundary with 13 Lanvalley Road are sheds and fencing but one section of fencing has fallen down and needs replacing. It is recommended that a further condition (6) be imposed to redress this. The applicant has also clarified that they seek permission for up to 2 clients to be cared for at evenings and weekends. This requires an amendment to Condition 5.

7.3 081279 – 17-19 Church Walk, Colchester

Representations have been received from The Ogilvie Charities, owners of Charles May House, providing sheltered housing for older people. The objections raised are:-

1. Whilst it is preferable for premises to be occupied previous enterprises have caused concern to elderly residents.
2. The inference is there will be another licensed meeting place with evening opening.
3. There is no disabled access in Church Walk which is extremely narrow and a single track road. It is difficult to envisage how access might be gained by a wheelchair user.
4. There is no facilities for smoking, therefore patrons will spill out onto the roadway causing noise and disturbance,

A letter has also been received from the Church Walk Residents Association signed by 7 residents. In addition to the above objections additional concerns are raised:-

1. We have tried without success to establish and understand the likely pattern of use by the Ling Trust.
2. The use would be more accurately described as a bar/restaurant.
3. Concerns raised that the mentally and physically disabled clients perhaps should not have alcohol if they take prescribed drugs.
4. Purpose of alcohol sales unclear.
5. How will the disabled and public patrons have the correct support.
6. The precise disabilities are unknown although some clients will have carers in attendance.
7. There are a number of factors that are unknown even to the applicants themselves.
8. The premises would become a social 'drop in centre'.

Similar concerns have been raised by the owners of commercial premises at Nos. 3, 15 7 16 Church Walk.

Suggested Conditions

1. The premises shall only open to the public during the following hours:-
Monday-Thursday – 08.30 – 20.00
Friday and Saturday – 08.30 – 23.00
Sundays – 10.00 – 16.00
Reason: To enable the Council to control the use of the site.
2. The area of the building to be used for the proposed uses shall be in accordance with the agent's letter dated 15th August, namely "The rear part of No. 17 will be used as a kitchen, the front part of No. 17 will be used for office purposes ancillary to the use of No. 18 and 19. The restaurant A3 use will take place in No. 18. The internet café A1 use will take place in No. 19. No change in the areas used will take place without the prior written consent of the Council."
Reason: The site lies within a Mixed Use Area, Policy TCS5 in the Adopted Local Plan. The proposal is only acceptable if the premises are used for a mixed use as described in the application.

3. The restaurant A3 use shall only open to the public when the A1 internet café use is open to the public.
Reason: The site lies within a Mixed Use Area, Policy TCS5 in the Adopted Local Plan. The proposal is only acceptable if the premises are used for a mixed use as described in the application.

The additional information which was submitted by the applicant has been forwarded to the Highway Authority for comments. As no comments have been received at the time of writing this amendment sheet your officers would suggest that the recommendation be amended to read as follows:

Defer to the Head of Environmental and Protective Services, to approve subject to controlling conditions as set out on the first amendment sheet, subject to the Highway Authority not objecting to the application.

If substantive objections are raised by the Highway Authority the application be referred back to members for further consideration of any new issues.