

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
3 September 2009 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**11. Amendment Sheet**

**106 - 108**

See final amendment sheet



# **AMENDMENT SHEET**

**Planning Committee  
3 September 2009**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

### **7.1 090752 – St Botolphs Car Park, St Botolphs Circus, Colchester**

**The applicant has submitted a draft S106 agreement reflecting the heads of terms set out in the officer's report as previously agreed by the Development Team.**

**The application was referred back to the development team to confirm the contributions which they previously agreed, and which appear in the officer's report and the draft S106 agreement. Following further debate the Development Team decided that the S106 be amended to reflect the reassignment of the £30,568 originally allocated for pedestrian and traffic signage and travel plan monitoring to general transport initiatives for the area.**

**Officers are concerned that this is too vague and would not pass the relevant tests in Circular 05/05:**

**A planning obligation must be:**

- (i) relevant to planning;**
- (ii) necessary to make the proposed development acceptable in planning terms;**
- (iii) directly related to the proposed development;**
- (iv) fairly and reasonably related in scale and kind to the proposed development; and**
- (v) reasonable in all other respects.**

**The case has been referred back to the next Development Team meeting to clarify the resolution and ensure the requested heads of terms would pass the relevant tests in the planning circular. Subject to 'general transport initiatives' being specifically broken down into projects which are directly related to this development, necessary to make the proposed development acceptable in planning terms and fairly and reasonably related in scale and kind to the proposed development, this would be acceptable and the heads of terms listed in the officers report would be amended to reflect this.**

**7.5 090722 – Plot 10, Land off (formerly part of rear garden) of No. 9 D’Arcy Road, Colchester**

**Additional condition:-**

**“Prior to the occupation of the development hereby permitted the size 3 turning head as shown on the Site Plan Revision A enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.**

**Reason: To enable appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T12 of the Essex and Southend on Sea Replacement Structure Plan.”**

**7.7 090848 – Part garden of 110 Oaklands Avenue, Colchester**

**Further correspondence has been received from the applicant.**

**“I would request that a correction is made to the agenda application notes to be discussed at the Council Meeting on 3rd September 2009 with particular regard to:-**

**ITEM 5: Relevant Planning History**

**In 1973 the planning permission which was refused by the former Colchester Borough Council was subsequently taken to appeal in 1974 and was GRANTED by the Department of the Environment (ref: T/APP/995/A/74/1122/06). It is interesting regarding amenity space that in the view of the Inspector the garden land would provide a satisfactory setting for the development proposed upon it.”**

***Officer Comment: This proposal was indeed allowed at appeal. The Council’s records are being updated to reflect this. While this appeal was allowed it was for a different proposal with a different layout. The application was for an extension to the original building to form a new dwelling, and was made 35 years ago. This proposal must be considered on its own merits using current policy and guidance.***

**7.10 090486 – Unit 1, Solus Development, William Harris Way, Colchester**

**Application withdrawn by applicant.**

**7.11 090743 – 200 Ipswich Road, Colchester**

**Additional Condition**

**“The use hereby permitted shall not be open to customers outside the following times 10.00 a.m. to 10.00 p.m. Mondays to Saturdays.**

**Reason: The use of this site outside these hours would be likely to cause loss of amenity to nearby residents.”**

**Informative**

**This application has been determined on the basis that the Design and Access Statement specifies that the limited extent of cooking will only require a low level mechanical extraction system. In the submission of details pursuant to Condition 2 of this permission the Local Planning Authority would expect these details relate to the proposed low level mechanical extraction system. However, in the event that the level of cooking should increase to an extent that would require any alternative externally located ducting/plant/equipment then planning permission will be required.**

Agenda Item 9 – Land at Furniture Zone, Turkey Cock Lane, Lexden Heath, Colchester

**Additional Point Under Decisions Required**

- 1.2 In terms of the period allowed for compliance, it is recommended that 4 months be allowed.

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**Part B**

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**Pages**

**There are no Section B Items**