

AMENDMENT SHEET

Planning Committee

9th December 2021

AMENDMENT OF CONDITIONS

AND

REPRESENTATIONS RECEIVED

7.1 202695 – Land to west of village and adjoining Birch Road, Layer de la Haye

Community Benefits

The opportunity for community benefits is commonly raised in response to projects of this nature and such opportunities include establishment of a partnerships with the local parish councils and schools or a community trust for example, with funds being contributed by the developer and used for appropriate purpose outside of planning.

In this case the applicant has indicated that productive discussions have been undertaken with Layer Parish Council and Birch Parish Council, whereby a community benefit fund has been suggested to both entities calculated proportionately based on the land take of the Proposed Development within their respective parish boundaries. It is understood that such contributions are calculated and benchmarked against what others in the industry are doing in regard to community benefit. As stated above, any contributions made to parish councils, whilst managed by the councils themselves, should be used for matters which would be of benefit to the community.

The Applicant is also keen to offer partnerships, visits and educational materials to local schools. Low Carbon has offered several options to the Parish Councils which would provide information for local schools in the surrounding area to the application site, these might consist of:

- Pre-prepared school packs consisting of lesson plans for Year 3 and Year 4 children covering lessons of Science, English and Maths as well as a school assembly. There is also potential for these to be adapted for other year groups within the school.

- If planning was to be granted, school visits can be arranged during construction and/or post commissioning.
- Low Carbon is also keen to have an open day following the commissioning of the project, where the local community would be invited to see the completed project and ask any questions.
- Low Carbon can arrange to present at local school/s. They have previously worked with external teaching organisations to aid in lesson planning for full days, in a similar vein, discussions can be had directly with the school to work with understand their requirements (this is available once construction has commenced).

It should be noted that whilst the guidance to local planning authorities is to encourage community benefits, the guidance makes it clear that any offer is not relevant to the consideration of any planning application. Neither the principle or detail of any undertaking to offer or not offer community benefits can be taken into account as a material planning issue. As such, the requirement for community benefit is not considered to be compliant with the relevant regulations and cannot be required under planning law and no weight therefore can be given to the inclusion or not of a community benefit scheme when considering a planning application.

Canopy Cover

As a point of clarification, in the 'Canopy Cover' section of the report it notes that no trees are to be removed. It should be noted that the northern access to the southern parcel will need some vegetation clearance to provide the visibility splays that the transport assessment suggests. Detailed access drawings are required by condition and officers will ensure any removal of vegetation or facing back of hedging is kept to an absolute minimum. Due to the sheer level of canopy cover increase proposed by the indicative landscape proposal, this will have a virtually negligible impact on the canopy cover calculation set out in the report which is far in excess of the Section 2 Local Plan requirement.

7.2 212506 – Chesterwell Day Nursery, Cordelia Drive, Colchester

No comments in relation to the submitted Travel Plan have yet been received by Essex County Council. It is suggested that Members, if granting planning permission for the proposed development, delegate authority to the case officer to allow any changes that may be required to be made and a revised Travel Plan to be made an approved document.

7.3 212272 – Land at Queen Street, Colchester

That delegation to amend the detailed wording of conditions be given to officers and the conditions be amended as follows:

The following revised conditions are submitted

2- Non-Standard Condition Approved drawings and documents

The demolition works shall be undertaken in accordance with the following approved documents:

- Site plan drawing A-2028-DEM-01
- Demolition Phase drawing S-SK-001/08.12.21/SP Rev P1 received 08/12/2021.
- Heritage Structural visual inspection and remedial repair specification- Colchester Roman Town Wall prepared by Consibee and dated 10/08/2021.
- Demolition specification and indicative methodology dated 02/12/2021
- A-2028-rec-10 Rev B Demolition and Protection Strategy around the Scheduled Monument received 02/12/2021
- A-2028- rec-11 Rev A Sections through existing and proposed measures for protection of wall received 02/12/2021

Following additional information received on 19/11/2021.

- A-2028-rec-02 Existing Building Record - GF Plan Outlining areas to be demolished
- A-2028-rec-03 Existing Building Record of wider Bus shed - outlining areas to be demolished
- A-2028-rec-04 Existing Building Record outlining street sign to be retained
- A-2028-rec-05 Mortar Sample Areas for pointing and stone repair
- A-2028-rec-06 Existing Building Record of South-West Facing elevations outlining areas to be demolished
- A-2028-rec-07 Existing Building Record of Queen Street Elevation outlining areas to be demolished
- A-2 statement 028-rec-10 Scheduled Monument Record Outlining Demolition and Protection Strategy around Roman Wall
- CON-TOBD - Wall restraint post detail (P1)
- Lime Mortar Analysis Folder containing 5 samples (from the Lime Centre)

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

4- Non-Standard condition – Archaeology

“No demolition works below ground /slab level shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).”

5. Non-Standard Condition Structural survey

All the work activities listed in 1a, 2 and 3 in the drawing S-SK-01/08.12.21/SP Rev P1 received 08/12/2021 can be undertaken in advance of the structural survey and inspection of the adjoining listed buildings and party wall having been undertaken, as stated in work activities 1b. The work activities listed in 1b shall be carried out by a qualified structural surveyor and submitted to the Local Planning Authority within 2 months of date of this permission for approval in writing. The approved structural survey report and any recommendation therein shall be carried out in full as part of the demolition of the Queen Street Old Bus Depot and must be undertaken prior to the commencement of any activities in relation to work activities 4 and 5 on the drawing S-SK-01/08.12.21/SP Rev P1 received 08/12/2021.

Reason: To enable the Local Planning Authority to be satisfied that the demolition of the Bus Depot will not be prejudicial to the structural integrity of these listed buildings and in the interest of safety.

Condition 7- Non-Standard Condition Replacement Development

The demolition works hereby authorised shall not be carried out before the receipt of 22/02/2022 tranche of the grant as stated in the payment profile table of schedule 3 of the terms of the grant agreement between Essex County Council and Colchester Borough Council dated 19/May 2021.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the character and appearance of the conservation areas.

Condition 8 - Site security and hoarding

Prior to the commencement of the demolition works the site perimeters shall be secured by appropriate hoarding in compliance with the Regulation 18 of HSE Managing health and safety in construction, Construction (Design and Management) Regulations 2015. The hoarding shall be self supporting and shall not involve any ground works or attachment to adjacent structures.

Reason: To ensure that the site is secure in the interests of public safety and to avoid any impact on the archaeological resource beneath the site having regard to the high archaeological potential of the application site.