

# **AMENDMENT SHEET**

**Planning Committee  
28 April 2022**

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

7.1 211392 & 211393 – land at The Folley, Layer de la Haye

### Ecology

Place Services Ecology have recommended the following four conditions which are proposed to be imposed on both permissions:

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS “All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, November 2018), the Bat Activity Survey Report (EECOS, September 2019), the Great Crested Newt eDNA Survey Report (EECOS, September 2019), the Reptile Survey Report (EECOS, September 2019) and the Ecology Updated PEA Results Letter (EECOS, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED: FURTHER SURVEYS FOR PROTECTED SPECIES “Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of ecological measures required through Condition X. The supplementary surveys shall be of an appropriate type for the above protected species and survey methods shall follow national good practice guidelines.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT “A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the

local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain report should include the following: • Baseline data collection and assessment of current conditions on site; • A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity; • Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality; • Details of the implementation measures and management of proposals; • Details of any off-site provision to be secured by a planning obligation ; • Details of the monitoring and auditing measures. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)

#### 4. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION:

**WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME** “A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

#### Education

ECC Education have withdrawn their request for an Early Years contribution and they do not require a school transportation contribution either.

#### Further Representations

A further representation has been made that states that residents do not want a play area on site. They state that the existing play area in Layer De La Haye is clearly sufficient. It is requested that the on-site play area is removed.

Officer note – this matter can be dealt with at Reserved Matter stage.

## 7.2 212943 - Land to the rear of 6-12 Villa Road, Stanway

The information requested by condition 9 is only required if any of the units were to be used as food premises. As such, the wording of the condition should be amended to read as follows (changes in italics):

Prior to the first use of *any unit operating within Use Class E(b)*, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

## 7.3 220717 – North Station Road and North Hill, Colchester

There has now been a consultation response from the Highway Authority (No Objection) viewable on the website, and the recommendation is amended to include the condition and informative recommended by the Highway Authority:

**condition: Each “fix the link” flags shall afford a minimum of 3.5m above the footway/highway and shall be maintained at that minimum height in perpetuity or to the life of the Grant of planning permission.**

**Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.**

**Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.**

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

#### 7.4 220148 - Land to the West of, Cross Cottages, Boxted

Since writing the Committee report, three additional letters of objection and a general comment were received from households that had previously submitted objection comments, as well as further objection comments from the Parish Council.

The comments reiterated concerns raised by other objectors and stressed that the removal of two visitor spaces would further impact the existing parking stress in the area. This matter has already been suitably addressed in the Committee report.

Comments were also made with regards to pedestrians using the public footpath having to cross the road and this being unsafe. The proposed layout was however reviewed by the Highway Authority and deemed to be acceptable as the proposal would not be too dissimilar from, and if anything a slight improvement on, the existing situation. It is also held that seven new dwellings (the majority of which are one-bedroom flats) would not result in a significant amount of additional vehicle movements along this road, especially when considered against the current informal use of the site which also requires vehicles to drive along an even narrower stretch of road used by pedestrians. The proposed layout increases visibility and provides a dedicated footway rather than a shared surface, which is an improvement on the existing situation. Whilst the comments are noted, it is not considered that the proposed layout is unsafe, thus warranting a refusal on that basis.

The following additional condition is recommended to ensure foul water is disposed of appropriately:

Prior to any works being carried out above ground floor level, written confirmation shall be provided that there is adequate foul water treatment capacity available at the local water recycling centre to cater for the additional flows generated by the development hereby approved. In the event that adequate capacity cannot be identified or created, details of alternative arrangements for the disposal of foul water shall be submitted to, and approved in writing by, the local planning authority and such arrangements as agreed shall be provided prior to the first occupation of any dwellings hereby approved.

Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise from foul water arising from the development.