

# PLANNING COMMITTEE

## 11 APRIL 2013

- Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Nick Barlow\*, Peter Chillingworth\*,  
Helen Chuah\*, John Elliott\*, Stephen Ford, Sonia Lewis,  
Cyril Liddy\*, Jackie Maclean, Jon Manning\*,  
Nigel Offen\*, Philip Oxford and Laura Sykes\*
- Substitute Member :-* Councillor Brian Jarvis for Councillor Nigel Chapman
- Also in Attendance :-* Councillor Julie Young

(\* Committee members who attended the formal site visit.)

### 111. Minutes

The Minutes of the meeting held on 14 February 2013 were confirmed as a correct record.

### 112. **130243, 130244 & 130247 – Wilkin & Sons Ltd, Factory Hill, Tiptree, Colchester, CO5 0RF and 130245 – Land North East of Factory Hill, Tiptree, Colchester**

The Committee considered the following applications:

130243 – An outline application for the erection of a new factory with gross internal floorspace of up to 13,300 sqm, new roundabout junction to Factory Hill, service road, footpaths, cycleways, car parking, motorcycle and cycle parking, foul and surface water drainage and landscaping.

130244 – An application for the demolition of the existing factory complex (with the exclusion of the Tiptree Visitor Centre, the Timekeepers Cottages and Factory Hall) and the erection of 118 dwellings, garages, car parking spaces, 3 commercial units, new roundabout onto Factory Hill, roads, footpath / cycleways, foul and surface water drainage, public open space and amenity areas, landscaping, boundary treatment, changes to the setting of the listed Trewlands Farm House and demolition and replacement of part of the existing listed wall.

130245 – An application for the erection of 126 dwellings, garages, car parking spaces, road, footpaths and cycleways, a Dentist Surgery, a new roundabout onto Factory Hill, foul and surface water drainage, public open space including play and amenity areas, allotments and landscaping.

130247 – An application for the erection of a new private sewage treatment plan and associated service road, storage attenuation reservoir, foul and surface water drainage network with outfall to Layer Brook to serve the new factory, diversion of existing foul water rising main, provision of a new pumping station and new foul water

rising main to the Tiptree Sewage Treatment Works and surface water drainage network with outfall to Layer Brook to serve the proposed residential development.

The Committee had before it a report on each application in which all information was set out, together with additional information provided in two Amendment Sheets.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mr Mark Russell, Principal Planning Officer, and Mr Vincent Pearce, Development Services Manager, attended to assist the Committee in its deliberations.

Mr Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He drew the Committee's attention to proposed condition 13 in relation to the proposed buffer strip, highlighting the fact that it was unlawful and unenforceable. The condition would therefore be likely to be subject to a successful appeal in which the condition would be struck out. He requested that consideration of this application be deferred in order to determine an appropriate way forward.

The Principal Planning Officer drew attention to the contents of the Second Amendment Sheet in which it was proposed that the detailed condition on the buffer be deleted and that authority be delegated to the Head of Professional Services to agree an appropriate mechanism to secure the provision of the buffer.

Members of the Committee referred to the significant public consultation undertaken by Wilkin and Sons Ltd regarding their applications. The low density of the development proposed by Wilkin and Sons Ltd was welcomed and a low density approach was unlikely to be taken by any other developer. It was highlighted that the highways throughout Tiptree needed improving and these applications, particularly the proposed widening of Station Road, would deliver significant highway improvements. Wilkin and Sons Ltd was a major employer in the village and was looking to continue to employ individuals on a full time basis, so every effort should be made to keep the factory in Tiptree.

The Committee emphasised that it was vital the contract regarding the building of the new factory should be signed before the housing development is started. It was stated that this should be standard practice for any business in a similar situation. The Committee believed that it was sensible to agree to a buffer strip in principle and delegate the delivery of the final method to allow time for a practical solution to be devised.

In response to several questions raised, it was explained by the Principal Planning Officer that unlike applications relating to outdoor developments, a factory building could be insulated and, as such, a condition regarding sound levels had been proposed. He explained that the distance from the boundary of the houses in Quince Court to the proposed buildings would be approximately 20 - 25 metres, although the car park would be nearer than this. He also stated that the distance from the boundary of 4 Wood View to the wall of the new properties would vary between 21 / 24 metres,

with an additional metre distance between the boundary of Wood View site and the house itself. In the case of 5 Wood View an additional 10 metres would exist. It was considered that these were acceptable levels of separation.

In the proposed Section 106 Legal Agreement, the reference to the 'Health Authority' was outdated, and should be altered to 'Health Provision.' The Principal Planning Officer also stated that a Habitat Survey had been undertaken and the development would have to comply with the Wildlife Acts.

(a) In respect of Planning Application 130243 it was *RESOLVED* (UNANIMOUSLY) that the application be approved subject the completion of the Section 106 Legal Agreement to secure the payment of the Travel Plan Monitoring Fee and to the conditions and informatives as set out in the Report and Amendment Sheets and subject to a further extra condition ensuring that no occupation occur until a roundabout is provided onto Factory Hill and a travel plan is provided, and a wheel cleaning facility be provided prior to and during works.

(b) For Planning Applications 130244, and 130245 it was *RESOLVED* (UNANIMOUSLY) that the applications be approved subject the completion of the Section 106 Legal Agreement to secure –

- Phasing (as described in the Head of Environmental and Protective Services report));
- Affordable Housing (16 units);
- Open space provision (land to the south of the housing site subject to application 130245, parcels on the housing site subject to application 130244, allotments, access to Birch Woods, contribution for play equipment);
- Monies for Health Provision (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A financial contribution of £666,343.00 (less the cost of providing the Station Rd widening works and the bus stop improvement works) for affordable housing

(ii) Following the successful completing of the Section 106 Legal Agreement the Head of Professional Services be authorised to grant planning permission with conditions and informatives as set out in the Report and Amendment Sheets subject to further extra conditions ensuring that no occupation occur until a roundabout is provided onto Factory Hill, and a wheel cleaning facility be provided prior to and during works.

(iii) In respect of application 130245, the deletion of condition 13 and authority be delegated to the Head of Professional Services to agree an appropriate mechanism to secure the provision of the buffer.

(c) In respect of Planning Application 130247 it was *RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the Report and Amendment Sheets and subject to a further extra condition ensuring that a wheel cleaning facility be provided prior to and during works.

**113. 130156 – The Quayside Café, University Quays, Lightship Way, Colchester, CO2 8GY**

**Councillor T. Higgins (in respect of her spouse being employed by the University) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the change of use of part of the café to provide additional student bedrooms with Block B5; external alterations to the ground floor elevations of Blocks B4 & B5 and erection of free standing mail box. The Committee had before it a report in which all information was set out.

This item was taken as urgent because the application had been called-in for determination by Members and the period for formal determination had already expired.

Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

Mr Chris Oldman, Deputy Director of Campus Services at the University of Essex, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He emphasised the University's need to increase the number of students living on campus, which would in turn help decrease on-street parking problems in the surrounding area. He highlighted that the previous café on the site had made a loss and was not widely used, despite considerable marketing. He suggested that the scaled down operation of the café, with toilets, seating and food and drink vending facilities would be sufficient for requirements. No objections had been received to the proposals. This set-up would also be able to operate for longer hours.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She suggested that closing a community facility was excessive and had garnered significant objection in the community. She highlighted that the café was one of nine on campus and, as such, may have been the least profitable of all but it was unfair to compare this café with those on the main campus site. It was still important to the local community. She stated that the concession of seating was insufficient in relation to the loss of a business. She also raised concerns about the safety of the proposed student accommodation on the site.

Members of the Committee appreciated that the University needed to run as a business and accepted that the reduced café service was a reasonable compromise, which would still provide the essential toilet, seating and refreshment facilities.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions and informatives set out in the report.