

Planning Committee

Town Hall, Colchester
11 April 2013 at 6.00pm

This committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

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The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Private Sessions

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Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates *The Planning and Compulsory Purchase Act 2004*, which requires (in law) that planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.

The following approach should be taken:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or a conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues including private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses
- matters specifically controlled through other legislation
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by stating that “*Planning should operate to encourage and not act as an impediment to sustainable growth*”. Therefore, development should be considered with a positive approach. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government’s policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that “*Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority*”.

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that “*Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed*”. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. *The Circular adds that “A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.”* Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, they are challengeable at appeal as *ultra vires* (i.e. their imposition is beyond the powers of local authorities). If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted.

In considering the reasons for that refusal, Circular 03/2009 makes it clear that planning authorities must “*properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason*”. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 11 April 2013 at 6:00pm

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, Philip Oxford and Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Nick Cope, Beverly Davies, Annie Feltham, Marcus Harrington, Dave Harris, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the council's website by 4.30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;

- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. **Have Your Say!**

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. **Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. **Urgent Items** (St Andrew's)

1 - 10

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

The Chairman has agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because the application has been called-in for determination by Members and the period of formal determination has already expired.

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

Change of use of part of café to provide additional student bedrooms within Block B5; external alterations to the ground floor elevations of Blocks B4 & B5 and erection of free standing mail box.

5. **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to

that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

11 - 17

To confirm as a correct record the minutes of the meeting held on 14 March 2013.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 130243 - Wilkin & Sons Ltd, Factory Hill, Tiptree (Tiptree)

18 - 37

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

2. 130244 - Wilkin & Sons Ltd, Factory Hill, Tiptree (Tiptree)

38 - 55

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, footpaths / 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 existing listed wall at Factory Hill, Tiptree for Wilking and Sons Ltd.

3. 130245 - Land North East of Factory Hill, Tiptree (Tiptree) **56 - 78**

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.

4. 130247 - Wilkin & Sons Ltd, Factory Hill, Tiptree (Tiptree) **79 - 91**

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 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 proposed residential development.

- 8. Amendment Sheet 92 - 95**

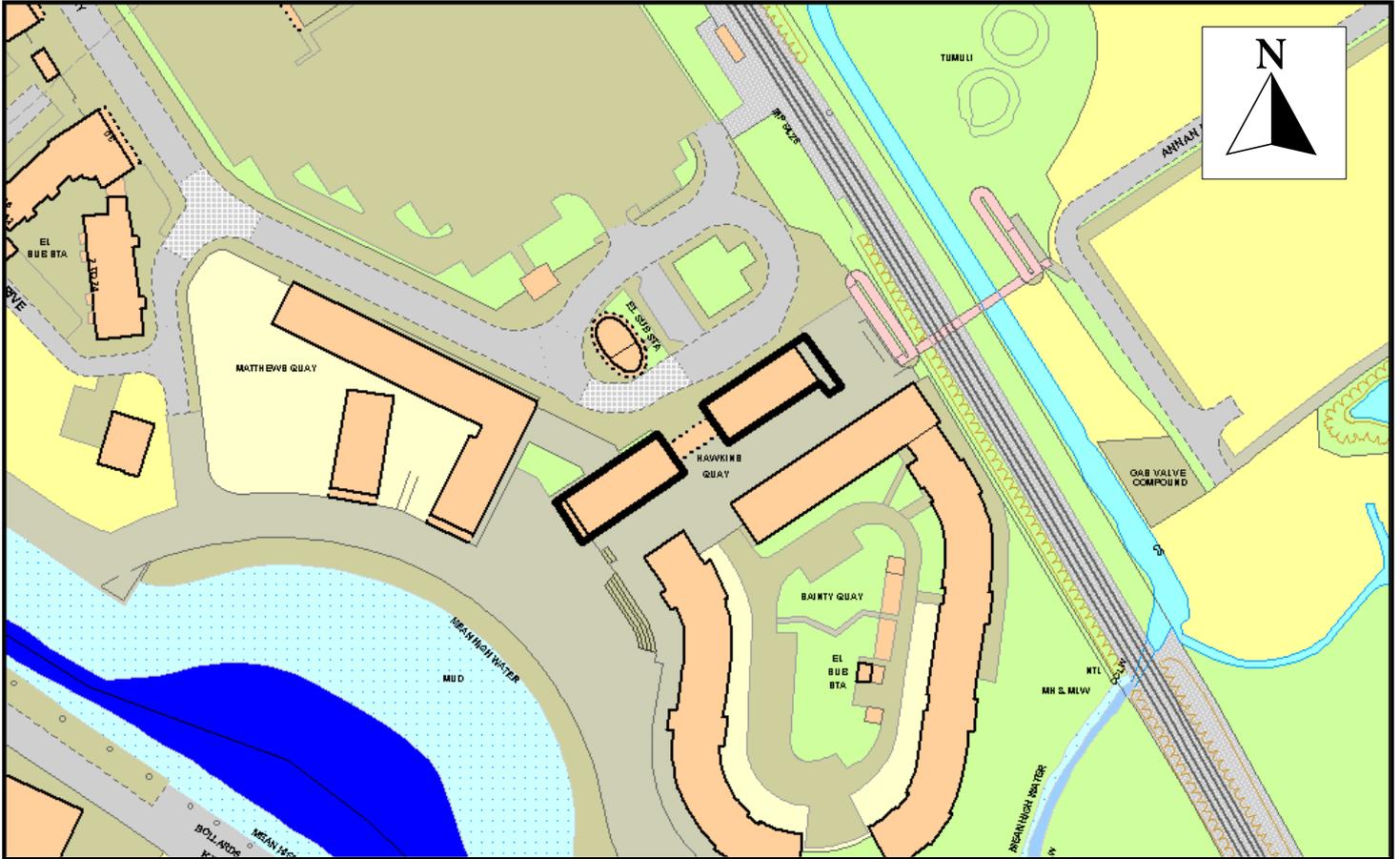
See Amendment Sheet attached.

- 9. Second Amendment Sheet 96**

See Second Amendment Sheet attached.

- 10. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



Application No: 130156

Location: The Quayside Cafe, University Quays, Lightship Way, Colchester, CO2 8GY

Scale (approx): 1:1250

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Case Officer:	Bradly Heffer	Type of Development:	Change of Use
Site:	University Quays, Lightship Way, Colchester, CO2 8GY		
Application No:	130156		
Date Received:	28 January 2013		
Agent:	Mr Nick Davey		
Applicant:	University of Essex		
Development:	Change of use of part of cafe to provide additional student bedrooms within Block B5; external alterations to the ground floor elevations of Blocks B4 & B5 and erection of free standing mail box.		
Ward:	St Andrews		
Summary of Recommendation: Approve Conditional			

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the proposal has given rise to an objection from Ward Councillor Julie Young, and notwithstanding this objection the application is recommended for approval subject to the imposition of conditions.

2.0 Synopsis

2.1 The report will describe the proposed development and will advise on the range of consultation responses received, including the objection from the Ward Councillor. The scheme, in effect, would result in the creation of two additional cluster flats, together with a post box facility within the existing University Quays development. The proposal also seeks to revise the configuration of the existing café facility in one of the identified buildings. The report will identify the key issues arising from this application and will recommend that permission is granted for the development, subject to the imposition of various conditions as listed in the report.

3.0 Site Description and Context

3.1 The site for this proposal is identified as buildings B4 and B5 which are located within the University Quays development, positioned adjacent to the river Colne within the Hythe area of the town. The University Quays is a relatively recent development containing student accommodation to serve the University of Essex, which is located to the east of the Quays site. The Quays is physically separated from the University campus by a railway that links Colchester Town station with the wider rail network.

3.2 At the present time the ground floor of Building B4 contains the shell of a retail unit and rooms used for administrative, support services and stores for the existing student accommodation. The ground floor of building B5 currently contains a laundry facility at its northern end, with the remainder given over to a café, which is currently vacant. The north-east façade of Building B4 faces on to the railway (crossed by the pedestrian/cycle bridge built as part of the Quays development). The south-east façade of building B5 faces towards the extensive open area between the Quays development and the river wall. The Wivenhoe Trail that links the town with Wivenhoe runs through this space.

3.3 Within the wider former port area of the Hythe various sites have been redeveloped, for residential and commercial purposes. An example of this is the mixed use development that has taken place on the former Moler Works site to the northwest of the Quays.

4.0 Description of the Proposal

- 4.1 Under the current planning application it is proposed to convert the ground floor of building B4 in order to create a cluster flat containing 6 bedrooms (each with an en-suite facility) together with a kitchen/living room. The existing retail facility would be retained. The remainder of the floor space would be used for CCTV and facilities management purposes. Within building B5 the submitted scheme would seek to create a 7 bedroom cluster flat (including a kitchen/living room). To enable this conversion would require the use of much of the floor space currently allocated for the café use. However, a reduced café facility would remain in the building – containing vending machines and seating areas, together with a toilet facility. This smaller café would utilise the existing pedestrian access off the open area to the front of this building. The existing laundry facility would be retained in its present form.
- 4.2 To enable the conversion works the submitted scheme would also include changes to the exterior of both buildings – primarily to introduce new door and window openings etc. The design of these would match those existing in the building.
- 4.3 Members are also advised that the application submission also includes the erection of a separate stand-alone building to be used as a post-box facility. This building would have overall dimensions of 2.7 metres length, 0.7 metres width and 1.8 metres height.
- 4.4 The planning application is accompanied by a suite of supporting documents that include a Design and Access Statement, Planning Statement, Parking Statement, Flood Risk Assessment, Flood Warning and Evacuation Plan and an analysis of University accommodation demand/need. These documents are available to view on the Council's website. However, the following comment is taken from the Planning Statement for Members' information:

'...The University of Essex is one of the major employers, and contributes to the local economy, in the town. Its importance is recognised in the adopted Core Strategy, which gives every support [to] its further growth and expansion. The University has identified a need to significantly increase the number of students that it can house and, although the number of bedrooms that will be provided as part of this proposal is relatively small, it will still make an important, and significant, contribution to this objective and the University's continued success. It is recognised that provision of the retail shop, and the café, as part of the original University Quays development, potentially accords with the Borough Council's objectives to provide a sustainable, and balanced, mixed use community in East Colchester and the Hythe. The University has, accordingly, revised its original proposals to omit the conversion of the retail unit and to retain a café style operation (albeit within a smaller unit). This proposal strikes a balance between the need to promote the continued growth of the University and the Council's desire to retain a café presence...'

5.0 Land Use Allocation

- 5.1 The site for this proposal is located within the East Colchester Regeneration Area as allocated within the adopted Core Strategy site allocations document.

6.0 Relevant Planning History

- 6.1 Prior to the submission of this current application a planning application was submitted for a similar form of development within the identified buildings. Under application ref. 120847 the following development was proposed:

'Conversion of vacant retail unit on ground floor of Block B4, to provide 6 student bedrooms and the conversion of the cafe/bar on the ground floor of Block B5 to create 7 student bedrooms; together with associated changes to ground floor elevations.'

- 6.2 This application varied from the current submission in that the existing shop unit and the café would have been lost to the conversion works. Following formal consideration of the application it was refused by the Council under delegated powers, because the application had failed to demonstrate that the shop and café were unviable and the loss of these units would undermine the vitality of the area.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
SD3 - Community Facilities
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP7 Local Centres and Individual Shops
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:
SA EC1 Residential development in East Colchester
SA EC2 Development in East Colchester
SA EC7 University of Essex Expansion
SA EC8 Transportation in East Colchester
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
External Materials in New Developments

8.0 Consultations

- 8.1 The following comment has been received from the Council's Spatial Policy Team:

'These comments should be read in light of previous Planning Policy comments on application 120847, which noted that 'as it stands the proposal is not considered to satisfy policy criteria i, iii and iv of policy DP4 or paragraph 3.12 in the Site Allocations and more information should be requested to address the issues raised'. These policies support mixed uses for the area and protect community facilities.

The applicants have now provided further information on the justification for the change of use and their efforts to retain the café use. The Enterprise Officer has endeavoured to work with the applicants to secure an alternative tenant for the café, but efforts to date have not produced results. Given that the full retention of the café premises does not appear to be feasible, it is accepted that the retention of a small area for vending machines and toilets will provide at least a limited level of benefit to the area. It is accordingly considered that the applicants have taken enough measures to overcome the policy objections on the basis of DP4.

Comments on the requirements for satisfying flood risk issues raised in the previous response on application 120847 remain appropriate for this application.'

- 8.2 The Highway Authority has no objection to the proposal subject to the imposition of a condition that would secure residential information packs for the occupiers of the additional accommodation to be created.
- 8.3 The Environment Agency has advised that it has no objection to the proposal but would recommend that a condition be imposed to require that a flood response plan is provided.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 Not applicable in this case.

10.0 Representations

- 10.1 Local notification has not given rise to any comment from residents. However, an objection to the proposal has been received from Ward Councillor Julie Young as follows:

'There was a strong public objection to the closure of the café, a petition was launched and attracted a good number of signatories. It is an important location being a natural resting point for cycle journeys to and from Wivenhoe to Colchester. The former café provided a good opportunity for local residents, users of the Wivenhoe Trail, and students to mingle adding to community cohesion. I understand the issues of profitability but opening times were an issue and this café was part of the university catering offer and would naturally be less busy than on campus provision. My view is that this application is premature, it should not have been progressed until adequate alternative facilities were available. Members will be aware of the density of housing in this locality and we have a duty to create communities, rather than housing units with no meeting points. Therefore this should have been delayed until alternative café facilities could be created.

On the positive side I am pleased to see provision of a postbox as this will be a welcome additional facility which ward Councillors have tried to progress in the past.

If Councillors are minded to follow the recommendation I would ask for the following to be considered:

Student accommodation should have sprinkler systems installed

The Vending offer should cover a range of products including hot and cold drinks and food items.

Officer comment: the suggested conditions are noted. In the case of the first issue this would be a matter for building regulations and an informative would be added to the decision notice to this effect. The second proposed condition would be difficult to enforce and potentially outside the remit of planning control. In any event it is anticipated that the café would offer the facilities requested by the Councillor.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 Members are advised that the following standards are applicable in this case:

Café unit – the adopted standard is 1 space per 5 square metres of floor space. In the case of this application the floor space of the café would reduce from 220 square metres to 25 square metres and this would reduce the parking provision accordingly from a need for 45 spaces to a maximum requirement for 5 spaces.

Student residential element – the nearest applicable standard is found within those applicable to Use Class C2 – Residential Standards. It should be noted that this standard applies to residential educational establishments and, in this case, the accommodation provided is adjacent to, but not within, the University campus. Nevertheless this standard requires 1 space per full time equivalent staff plus 1 space per 5 students. On this basis, the development proposed would give rise to a requirement for a further three spaces for students

12.0 Open Space Provisions

12.1 There is no applicable standard that relates to the provision of open space to serve student accommodation. Notwithstanding this, it is noted that the future occupants of the development would have full access to the extensive areas of open space that are found within the University campus.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 Design and Layout

15.2 The conversion works proposed under this application would reorganise the internal layout of the identified buildings and the majority of works would be limited to the interiors of each building. External alterations to the buildings would be limited and consist of the provision of new window and door openings. The submitted plans show that these works would be in character with the contemporary nature of the existing buildings and as a consequence these changes would not be harmful to their overall design. The revisions proposed to the café element would not impact on the appearance of the ground floor façade of this part of the identified building – apart from the introduction of obscure glazing where appropriate to provide privacy for users of the w.c. As a planning judgement it is considered that the changes to the buildings, in themselves, would not be harmful. Although the post box element of the proposed works is relatively minor it is considered that the design of this particular structure would be in keeping with the overall character of the area.

15.3 Scale, Height and Massing

15.4 The changes proposed to the identified buildings would not have any impact on the existing scale, height or massing of the existing University Quays development. Similarly, the post box would not impact as such on these elements.

15.5 Impact on the Surrounding Area

15.6 It is not anticipated that the revisions proposed under this scheme would have an adverse impact on the amenities of neighbouring properties or the area in general. The overarching use of the University Quays development is for residential use by students. The scheme submitted for Members' consideration seeks to add further residential use which, in itself, is not likely to lead to a significant, perceptible change to the area. Clearly the proposal would reintroduce a café use to one of the buildings – albeit in a significantly reduced floor area. This use could impact both on the amenity of the area and of nearby residents but clearly this use, on a larger scale, was considered to be acceptable when the original permission for the University Quays was granted.

15.7 Highway Issues

15.8 The proposal has not given rise to an objection from the Highway Authority. It is noted that the overall University Quays site is served by a convenient road link to the wider network and also the overall site is served by a bus stop that links the site with the campus and the town. The revamped railway station at the Hythe is within convenient walking distance, as is the University campus itself, accessed via the foot and cycle bridge crossing the nearby railway. Therefore it is an accessible site and, importantly, modes of transport other than the car can be used to access the accommodation.

15.9 The terms of the application are such that the on-site parking demand that could be generated by the development (by application of the Council's current standards) would reduce, due to the additional spaces generated by the accommodation element being off-set by the reduction in demand resulting from the smaller café facility.

15.10 Other matters

15.11 Members will note from the planning history that the identified buildings have previously been the subject of a refused application for a similar change of use proposal. A key difference between the refused submission and this current proposal is that whereas the refused scheme proposed the loss of the shop unit and the café, both these elements are proposed to be retained as part of the current scheme. The shop unit is retained as is whereas the café use would operate out of a reduced floor space area.

15.12 In terms of the café it is noted from information submitted in support of the scheme that this facility in its current form has lost money since it opened in 2004 – despite the fact that it was operated by the University as part of its overall campus operation that includes 9 other cafes and bars. The University undertook a major refurbishment of the premises in 2006, at which time the floor space was expanded. Nonetheless the premises continued to run at a loss for a further eight years and the café finally closed during the summer of 2012.

15.13 Members are advised that the previously refused submission did not, in your officers' view, contain sufficient information to demonstrate that the café was not a viable entity. Given that the facility is located within the East Colchester regeneration area it is considered to be important that the growing community is served by sufficient facilities, in order to promote a sustainable mix of uses. Bearing this in mind, following on from the refusal of the previous application, officers undertook discussions with the applicants regarding retention of the shop facility and the café. In the case of the shop Members will note that this is retained in its current form and remains available for occupation.

15.14 In the case of the café the applicant agreed that the Council's Enterprise Officer could explore whether alternative occupiers could be found in order to create a sustainable, profitable business. Unfortunately no such occupier could be found to take the premises on. Given the desire to retain a publicly-available café facility in this location, officers negotiated an

alternative proposal, whereby the floor area of the café would be reduced and the 'offer' to the public revised – consisting of refreshments from vending machines and an associated seating area and toilet facility. This revised facility would be operated by the University. The following comment is made by the Enterprise Officer regarding this proposal:

'Enterprise and Tourism opposed the proposed change of use for the University Quays café to additional student accommodation as this is a community and tourism/leisure asset in The Hythe and a resource for walkers and cyclists on the Wivenhoe Trail. Similarly, E&T opposed the proposed change of use for the adjacent retail unit to student accommodation on the grounds that there had been no evidence of any active marketing of unit and this, too, was key to the mixed use intention of the development.

Subsequent discussion with the University of Essex and their development partner clarified that the café was loss-making and two options emerged through negotiation: the development partner was willing to consider providing a smaller self-service café facility which would retain the appearance of the frontage and continue to provide amenity to the student population and walkers and cyclists; or if an alternative commercial tenant could be found to equip and operate the café, the University would consider leasing the building.

Given the costs for operating the café supplied by the University, the most probable potential operator would be a not-for-profit organisation which could use student/apprentice staff to reduce the wage costs – the largest item. The possibility of Colchester Institute taking on the University Quays Café was explored and their Heads of Finance/Development and Catering contacted. Unfortunately the response was, "no, not at this time, but thanks for thinking of us".

In the absence of any alternative provider that could maintain the full facility, Planning and Enterprise & Tourism accepted the negotiated offer from the Developer that a scaled-down facility be retained to provide vending-based food and drink catering only and the inclusion of a unisex/disabled toilet facility was also asked for and agreed. It is hoped that this solution will ensure that the needs of residents and walkers and cyclists visiting the area and using the Wivenhoe Trail will continue to be met.

The principle that the retail unit be retained was accepted by the developer and Enterprise & Tourism are currently seeking to identify a tenant/tenants for the premises.'

- 15.15 The concerns raised by Councillor Young are fully acknowledged and appreciated. The provision of services for local communities is of course an important element within regeneration areas. However, the application is accompanied by information regarding the profitability, and hence sustainability of the existing café facility. Notwithstanding the fact that the premises benefitted from being operated as part of the University's overall campus catering operation it was not possible for the café to make a profit; as advised in the planning statement that accompanies this application. However, rather than accept a complete loss of the café officers have negotiated the current proposal for a continued, albeit reduced facility. This would be operated by the University and although unmanned the café would benefit from existing facilities management at the University Quays site. It is considered as a planning judgement that the proposal represents both a reasonable compromise and also a realistic proposal to secure a continued café presence in this location.

16.0 Conclusion

- 16.1 In conclusion, it is considered that the application put forward for Members' consideration represents an appropriate planning application proposal. The additional student accommodation would accord with the primary use of the University Quays site, and this additional residential use is not, in itself, considered likely to give rise to issues of loss of amenity or inappropriate changes to the appearance of the subject buildings.

16.2 Additionally, unlike the previously refused submission this revised scheme does retain the existing shop floor space and the café – albeit in a smaller form than was previously the case. In this regard, it is your officers' view that the revised café arrangement does retain this facility in a form which, it is considered, will be sustainable. It is the case that the café in its current configuration is very unlikely to represent a viable business opportunity – as noted by the Council's Enterprise Officer. As such it is felt that this current proposal represents an acceptable alternative.

17.0 Recommendation - APPROVE subject to the following conditions:

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers UOE-LHA-GA-300500 Rev A, UOE-LHI-ELV-300151 Rev B, UOE-LHI-GA-300502 Rev A, UOE-LHI-GA-300103 Rev A unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4 - Non-Standard Condition/Reason

The café use shall not commence until the part of the building identified for this use has been insulated against internally generated noise, in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupiers of the student accommodation against undue noise emissions.

5 - Non-Standard Condition/Reason

The accommodation hereby permitted shall be used only as residential accommodation ancillary to the primary educational use of the wider University site.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the accommodation with the intentions of the proposed scheme. In granting permission for residential accommodation the Council has had regard to the special circumstances of the case and wishes to have the opportunity of controlling unfettered residential accommodation.

6 - *Restriction of Hours of Operation

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times: 8.00 am to 10.00 pm on all days.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

7- No occupation of the development shall take place until Residential Travel Information Packs have been provided to all student bedrooms created as a result of this permission.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8 – Prior to the occupation of the residential development hereby approved a Flood Response Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of arrangements for prior evacuation in the case of flood, details of the provision of a safe refuge and arrangements for rescue etc.

Reason: To ensure that in the event of flood there is a robust procedure in place to protect the occupiers of the accommodation hereby approved.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(2) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(3) The applicant is advised that the proposed works may require the provision of sprinkler equipment under building regulations (BS 9999) and the advice of the Council's Building Control department should be sought in this regard.

21.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**PLANNING COMMITTEE
14 MARCH 2013**

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nigel Chapman*, Peter Chillingworth*,
Helen Chuah*, John Elliott*, Sonia Lewis*, Cyril Liddy*,
Jackie Maclean*, Jon Manning, Nigel Offen,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Peter Higgins for Councillor Nick Barlow
Councillor Julie Young for Councillor Stephen Ford

Also in Attendance :- Councillor Ray Gamble
Councillor Martin Goss
Councillor Paul Smith

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

101. 121444 Betts UK Ltd, 505 Ipswich Road, Colchester.

The Committee considered an application for the demolition of existing buildings, remediation and earthworks, construction of new access, bus turning area and junction, as well as a spine road at the former Betts site in Ipswich Road, Colchester. The application also sought outline permission for the erection of up to 128 residential units and a 65 bed care home, with associated works. The application was referred to the Planning Committee because it was a major development and would require the Council to enter into a Section 106 Agreement with the developer. The Committee had before it a report in which all information was set out.

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 Bradley Heffer, Principal Planning Officer, Karen Syrett, Spatial Policy Manager and Vincent Pearce, Development Services Manager attended to assist the Committee in its deliberations.

Ms Paula Baker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She suggested that the application be deferred in order to carry out more thorough investigations into the impact of such a development on the sensitive surrounding woodland area. She stated that noise and light pollution from the development would have a negative effect on the surrounding area. She also highlighted that the proposed buffer between the development and the woodland was insufficient.

Ms Kate Turner, from Land Improvement Holdings, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She outlined the benefits arising from the development, such as supply of housing, recycling of a brownfield site and sustainability of the site. It was noted that Natural England had no objections to the development and that consultations had

been carried out, resulting in the removal of the commercial element of the proposal. She explained that the applicants had worked hard to consult with the local community and had endeavoured to address many of the concerns raised by residents, however, she did not consider that there would be undue harm caused by including three storey elements in selective locations.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee. He stated that he had been pleased with the consultations that had taken place, but was still concerned regarding the proposed three storey elements being included in the development. He suggested that this would be out of keeping with the local character and had been and would continue to be strongly resisted in the St John's area and the St John's side of Ipswich Road. He remarked that a compromise could be reached if three storey buildings were limited to the interior of the development and restricted from the care home. He encouraged the Committee to refuse or at least defer the application in order to satisfactorily address the concerns regarding three storey developments at this outline stage.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He echoed the opinion of Councillor Gamble regarding work undertaken by the applicant to consult with the local community. He was also, however, concerned at the impact of the proposed three storey properties, suggesting they should not be considered on the Ipswich Road frontage. He was pleased with the introduction of a 20 mph speed limit and cycle ways within the development, but disputed the Environmental Impact Assessment's conclusions that there was no badger activity on the site.

Mr Heffer responded that the principle of the buffer between the Site of Special Scientific Interest (SSSI) and the development had been agreed but the details would be determined at the reserved matters stage. He clarified that no development would take place on the SSSI and that the Tree Protection Report and Tree Survey had been satisfactory. In relation to the issue of three storey housing in the development, he highlighted that serious consideration had been given to the matter and that, in view of the nature of the development, it was not believed certain three storey elements would be incongruous. He also clarified that matters such as the care home and three storey elements would be considered under the reserved matters applications. It was also advised that while Badger activity may take place in Bullock Wood there was no evidence of such activity on the planning application site according to the ecological study that accompanied the planning application.

Members of the Committee commented on the three storey element of the scheme generally as well as the following additional issues:

- The welcome inclusion of a care home on the site, with suggestions that it be designated for dementia care;
- The need for adequate infrastructure to be in place, especially in the form of GP surgeries and nursery schools;
- The design and width of the spine road, providing for the development to be

designated as a 20 mph zone; and

- The use of the spine road to serve additional developments at a late date.

In response to questions raised regarding the location of part of the development within the boundaries of Tendring District Council, both Councils were required to consider the application separately. Neither Colchester nor Tendring Councils had statutorily adopted the Planning Document although the document had been formally accepted as a Planning Brief by the Colchester Borough Council. It was confirmed that no concerns had been made regarding suitable infrastructure and the spine road was not capable of serving significant further development to the north without requiring alteration. It was further suggested by Mr Pearce that future expansion and also loss of open space could be further controlled within the Section 106 Agreement, through requesting the open space to be kept in perpetuity. The application for C2 land use provided flexibility for the developer whilst the final decision would be determined at reserved matters stage.

It was requested by the Committee that reserved matters relating to the potential care home, three storey dwellings and the development frontage be returned to this Committee.

RESOLVED (UNANIMOUSLY) that –

(i) Consideration of the application be deferred for completion of the Section 106 Legal Agreement to provide the following:-

- 20% affordable housing provision;
- Open space contribution to £368,045;
- Education contribution of £363,979;
- Street Services contribution of £1,650 for installation and maintenance of one litter bin;
- Business and Enterprise contribution of £37,700 to reflect the loss of employment on the site; and
- Community contribution of £27,000.

(ii) Following the successful completing of the S106 agreement the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informative as set out in the report and on the Amendment Sheet.

(iii) The reserved matters applications relating to the site frontage, the care home use and the location of the three storey elements be submitted to Committee for determination.

102. F/COL/01/1626 A12t/Northern Approaches Road, Mile End, Colchester.

The Committee considered a request for the determination of details required by a condition of planning permission for Northern Approaches Road, Mile End, Colchester. This request had come before the Committee as a result of the scale of the condition proposal. It had also been requested by Councillor Goss to come to this Committee on the grounds of: impact on residential amenity; highway safety; environmental impact and air quality; and impact on veteran oak tree. The Committee had before it a report in which all information was set out.

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.

Ms Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations. She updated the Committee regarding the applicant's agreement to the inclusion of signalled pedestrian crossings on the development but that amended plans showing these changes are awaited.

Ms Jean Dickinson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She stated the boundaries of the proposed application were arbitrary and had not been given the proper consideration. She also suggested that the Station Roundabout would be an appropriate pick-up site, which would alleviate congestion. The complex nature of the Northern Approach Road 2 and 3 Junction was highlighted, with attention also being drawn to the inadequate width of the carriageways at this point of the site.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He provided details of a meeting held last year in relation to this development and suggested that many of the residences' concerns had been addressed. These included the fact that the scheme would no longer permit use by taxis or motorcycles, that the park and ride buses would be single decker only and that the fencing and planting in between the development and adjacent residences had been improved. He considered CCTV needed to be fully functional and backed by enforcement. He drew attention to the fact that the park and ride 7am – 7pm hours of operation were considered satisfactory by residents, but felt that users of the facility may find this insufficient. He also questioned the contradictory advice regarding the cutting down of the veteran oak tree and suggested replanting trees of an equivalent value. He welcomed the introduction of signalled pedestrian crossings and voiced his concern regarding the piecemeal approach to the consideration of the interrelated applications.

Ms Mondon responded that no conditions could be put in place relating to operation times or congestion measures, as planning permission had already been granted. She did suggest, however, that other bus companies may choose to use the route in future at different hours although there were currently no such plans.

Mr Liam McKarry, Arboricultural Planning Officer, responded in relation to the veteran oak tree. He stated that, as the tree was situated next to a busy road, it would be inappropriate for it to remain in its current position. He also suggested that requiring an equivalent financial contribution from the developer may be inappropriate, given the

difficulty in ascertaining an equivalent value and that the tree was in any even coming to the end of its life.

Members of the Committee were pleased to see that many of the residents' issues had been addressed within the scheme and noted that the veteran oak was nearing the end of its natural life and had been subjected to significant acts vandalism.

Mr Adam John, Landscape Planning Officer, confirmed that the loss of the oak had been previously anticipated as part of the design of the now adopted public open space in which it stands; this had resulted in the agreement and planting of a replacement feature oak within the open space. This reinforced by the tree planting proposed along the road itself which has been designed to accommodate anticipated climate change, comprising principally native birch trees for early cover and lime trees for long term structure.

RESOLVED (UNANIMOUSLY) that –

(i) The details for conditions 4, 7, 14, 17 and 18 be approved as per the recommendation and subject to informatives as set out in the report.

(ii) The details for condition 6, subject to informatives as set out in the report be deferred as per the recommendation and the Amendment Sheet.

(iii) Upon receipt of amended plans showing the signalled pedestrian crossings, the Head of Environmental and Protective Services be authorised to approve condition 6, subject to informatives as set out in the report.

103. 121780 Chappel & Wakes Colne Station, Station Road, Wakes Colne, Colchester.

The Committee considered an application for a new restoration shed, pedestrian ramped access, conversion of existing restoration shed to heritage centre and removal of temporary buildings at the East Anglian Railway Museum site at Chappel and Wakes Colne Station, Colchester. The application had been 'called in' to this Committee by Councillor Chillingworth because of concerns relating to Highway safety. The Committee had before it a report in which all information was set out.

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 David Whybrow, Principle Planning Officer, attended to assist the Committee in its deliberations.

Ms Stella Hounslow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She highlighted her concerns regarding the impact of the proposal on the local community and traffic on the road. She was concerned about the impact of the event days and their relationship with the main use of the site and suggested that parking should be limited

to 200 spaces. She stated that the development was car-dependent and unsustainable. She further suggested that the development was not on a small scale and needed greater consideration.

Mr Ian Reed, Trustee of the East Anglian Railway Museum, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He noted that the Museum was nationally recognised and currently raised 80% of its funding through special events. The trust's goal was to increase the income generated from the core elements of the museum and, as such, was applying for the replacement of existing structures which would also improve segregation and security of the site.

Mr Whybrow responded that this development was considered to be an organic growth of the Museum, rather than a sharp increase in activity. He stated that this was a small scale application, namely regarding the relocation and replacement of existing temporary structures. Therefore some of these issues fell outside the scope of the permission being sought.

Members of the Committee discussed the importance of the site locally and nationally. It was highlighted by several Members that the proposal would not fundamentally change the site itself and the problems associated with inadequate pedestrian facilities along Station Road was an issue which needed to be resolved whether or not the existing scheme was approved. It was further explained that the Parish Council was seeking to work with the Highway Authority to secure adequate traffic calming measures for Station Road.

RESOLVED (UNANIMOUSLY) that –

- (i) The application be approved as per recommendation subject to conditions and informatives as set out in the report.
- (ii) Essex Highway Authority be informed separately (by the Planning Officer) of the Committee's concern regarding the general safety of Station Road and of the Committee's view that traffic calming measures proposed by Wakes Colne Parish Council should be given priority by Essex County Council to enable a scheme to be implemented as soon as possible.

104. Endorsement to proposed amendments to S106 Agreement for development at Brook Street, Colchester.

Councillor J Young (in respect of her spouse's Chairmanship of the Board of Colne Housing Society) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Strategic Policy and Regeneration submitted a report which sought the Committee's approval to provide significant additional affordable housing on a site in Brook Street, Colchester. Such approval would require changes to the existing Section 106 Agreement and the signing of a new Agreement which would bring

forward the equivalent amount of affordable housing obligation from a future site. The Committee had before it a report in which all information was set out.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

Members of the Committee noted that a request had been made for the provision of a Tenancy Support Officer and a playground on the site. Reference was also made to the need for policies to address the issue of housing for elderly persons. It was explained that the affordable housing on the site would be with affordable rent at 80% of the market rent. The development was considered to be an innovative approach to progress a site which had become stalled for some time.

RESOLVED (UNANIMOUSLY) that –

(i) The proposal to provide significant additional affordable housing on a site in Brook Street be endorsed, necessitating changes to the existing Legal Agreement under Section 106 of the Town and Country Planning Act 1990 and the signing of a new agreement to bring forward an equivalent amount of affordable housing obligation from a future site.

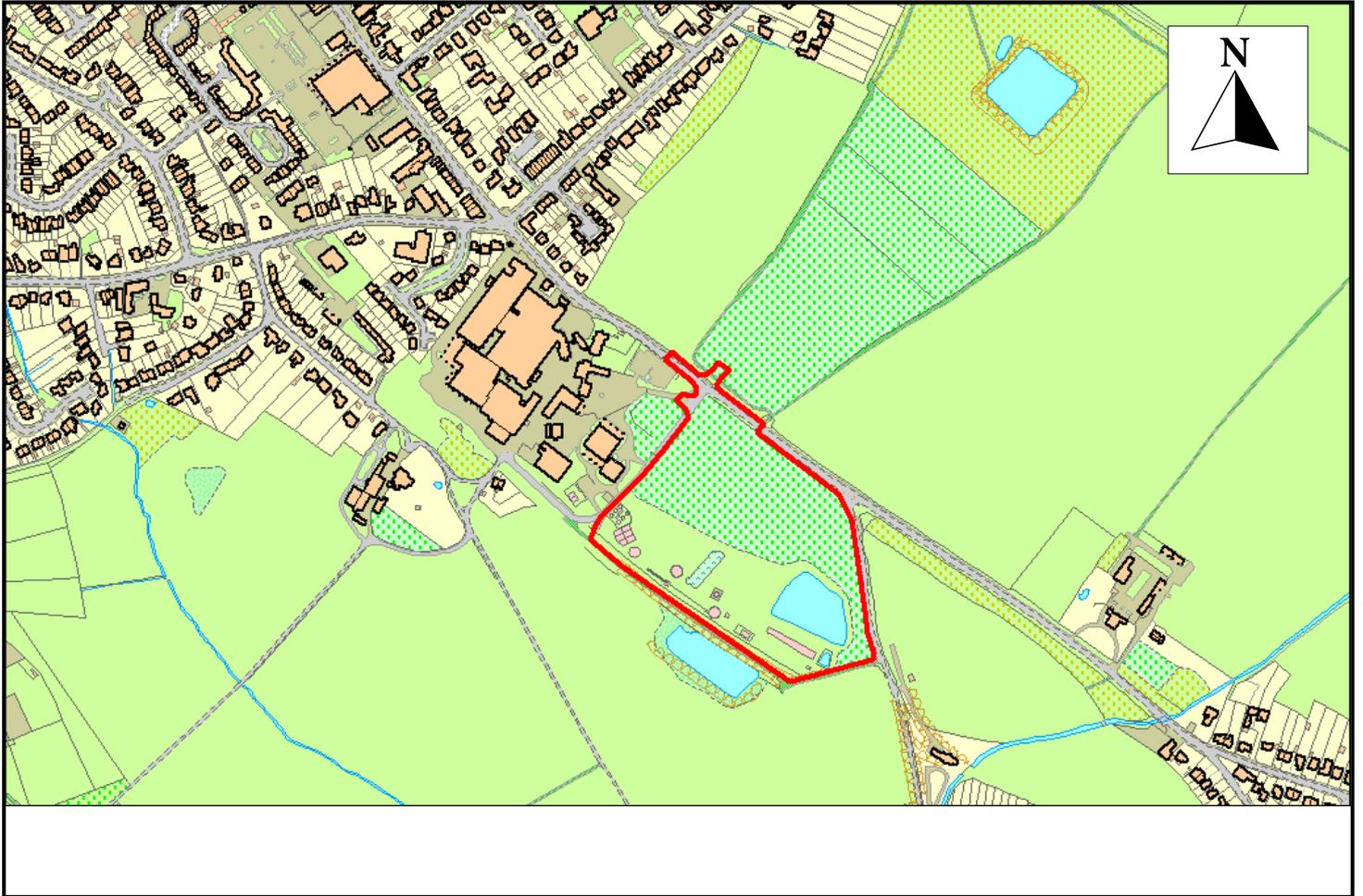
(ii) The sites where affordable housing credit may be used include Rowhedge Port, Stanway Growth Area and / or any other site the Council considers appropriate.

105. Request to agree amended drawing numbers for Williams & Griffin Redevelopment Proposal within Planning Application 121902.

The Head of Environmental and Protective Services submitted a report requesting that the Committee agree that previously approved drawings for this application be superseded and added to with new drawing numbers that show the reposition of plant equipment on the roof of Williams and Griffin. This decision would ensure that the revised arrangements could be incorporated into the existing application and the proposed Section 106 Agreement prior to the formal issue of the planning approval. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) That the previously approved drawings for 121902 be superseded and new drawings approved that show the repositioning of plant equipment on the roof of Williams and Griffin.



Application No: 130243

Location: Wilkins & Sons Ltd, Factory Hill, Tiptree, Colchester, CO5 0RF

Scale (approx): NOT TO SCALE

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **11 April 2013**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Mark Russell Due Date: 07/05/2013

MAJOR

Site: **Wilkin And Sons Ltd, Factory Hill, Tiptree, Colchester CO5 0RF**

Application No: **130243**

Date Received: 5 February 2013

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons Ltd

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

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This matter is referred to the Planning Committee because is a major application and objections have been received.

2.0 Synopsis

2.1 This application is before Committee with companion applications 130244, 130245 and 130247 (these relate to two areas of new housing and the provision of a new private sewage treatment plant). Listed Building applications 130244 and 130435 have been dealt with under delegated powers.

- 2.2 The key issues explored below cover the background to this application which resulted in Core Strategy Policy TJF1 being adopted in order to facilitate Wilkin & Sons' desire to remain within Tiptree.
- 2.3 The outline proposal for a 13,300sqm factory is described in more detail and consultation responses are carefully considered. The visual effect of the proposed building on the rural landscape is weighed against issues of economic well-being.
- 2.4 Finally it is concluded that permission should be granted for the proposal in the interests of job retention/creation and the economic well-being of Tiptree and the Borough of Colchester.

3.0 Site Description and Context

- 3.1 The Wilkin & Sons site is on the south-eastern edge of Tiptree, 10 miles south-east of Colchester. The proposed new factory site is in open country to the south-east of the existing factory buildings. For the most part this comprises fruit trees and plants, although there is also a lagoon and other apparatus in connection with this use. Across Factory Hill from the site is a further plantation, with other parcels of agricultural land on all other sides.

4.0 Description of the Proposal

- 4.1 Policy background to the proposal is important to understand its significance to Tiptree and the wider Borough.
- 4.2 The Colchester Site Allocations Document adopted in 2010 provides for an additional allocation for housing and open space in Grange Road, Tiptree to meet the housing requirement identified in the Core Strategy. The existing Tiptree Jam Factory site is allocated as an employment policy area together with land to the south-east of it extending to Tudwick Road. The village settlement boundary bisects the existing factory site. The land to the north of Factory Hill is shown as countryside outside of the settlement boundary.
- 4.3 Wilkin and Son submitted a request for allocation of a greenfield site for housing during the initial Regulation 25 stage of consultation on the Site Allocations, but did not submit any supporting evidence concerning the requirement for enabling development. The Council had produced what it considered to be a 'sound' plan and was not in a position to alter allocations unless this was required to make the overall document sound.
- 4.4 The National Planning Policy Framework published on 27 March 2012 seeks to boost significantly the delivery of new homes. At the same time the Localism Act is introducing a new type of development plan, the neighbourhood plan, which enables local communities and businesses to bring forward proposals for development in their areas, which as a minimum must meet Core Strategy requirements but can provide for additional development if there is local community support. This Plan, therefore, was prepared in the context of new Government policy to provide for additional housing development in Tiptree to secure the retention and growth of a significant local employer.

4.5 The vision, therefore is that ‘the retention and expansion of Wilkin and Sons in Tiptree will promote the sustainable co-location of jobs and houses thereby minimising traffic impacts; support the community through the provision of open space and community facilities; and add to the stock of well-designed and sustainably constructed housing in Tiptree.’

4.6 After public consultation, exhibitions and an Examination in Public, the Inspector concluded that the proposed policies in relation to the Tiptree Jam Factory (TJF1 and TJF2) were sound (with some modifications) and the following policy TJF1 was adopted in February 2013:

“The existing Tiptree Jam Factory Site and land to the north of Factory Hill, Tiptree is allocated for residential development to enable the development of a new Jam Factory on a site to the south of the existing Jam Factory. A site is also allocated for 4.5 hectares of open space on land to the north of Factory Hill. A buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing. Design and landscaping features will be needed to maintain separation between the new development and Tolleshunt Knights. A site for a new sewage treatment works will be provided to the west of the new factory site. The development will be required to contribute to infrastructure provision in accordance with the Councils adopted policies. This includes community infrastructure and open space and may include those items mentioned in Table 1 above. The total area of open space proposed in the plan will be expected to be provided in full to meet new community needs in Tiptree and to alleviate visitor pressure on Abberton Reservoir. The provision of affordable housing will reflect the importance of increasing the supply of affordable housing as covered in Core Strategy Policy H4 (Affordable Housing) balanced against viability considerations arising from enabling development.

The allocation of land to the north of Factory Hill for residential development is solely to enable the development of the new Jam Factory on the allocated site and will therefore not be permitted to proceed without the relevant landowner(s) first entering into a legal agreement with the Council to ensure that no residential development can be commenced without a contract being entered into for the construction of the factory and an operational start being made in accordance with Section 56 of the Town and Country Planning Act 1990. “

4.7 Accompanying this, policy TJF2 stated:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or

Specific policies in that Framework indicate that development should be restricted. “

4.8 **Proposal:** This is an outline application (with all matters but access held over until the Reserved Matters application) for a new factory complex for Wilkin & Sons Ltd, to replace the buildings which stand to be removed under Planning application 130244.

4.9 The submitted drawings show a complex of flat-roofed warehousing and a curved roof factory, with a perimeter road and access to the north. In conjunction with the other parts of the proposal (applications 130244 and 130245) a new roundabout on to Factory Hill will also be provided. Further details of the proposed factory are included in the report section at paragraph 15.0.

5.0 Land Use Allocation

5.1 Employment Land.

6.0 Relevant Planning History

6.1 The Tiptree Jam Factory has a long Planning history (over 40 applications). It would not be advantageous to run through them here as they do not have an impact on the proposals at hand.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

CE1 - Centres and Employment Classification and Hierarchy

CE3 - Employment Zones

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling
TJF1 – Tiptree Jam Factory 1
TJF2 – Tiptree Jam Factory 2

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority: HA did not object, but stated: 'Parking should be provided in accordance with the current Essex Car Parking Standards which requires parking bays to be 5.5m x 2.9m and single garages to be 7m x 3m. Parking spaces abutting walls/structures to be increased in width by one metre to ensure manoeuvrability and ease of occupant's entry/egress. The Developer should ensure the provision of sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.'

OFFICER COMMENT: These matters have been dealt with and amended drawings are expected.

- 8.2 Environmental Control – Suggested a number of conditions and informatives, and also made the following comment: *“We would suggest that vehicular access for delivery vehicles and staff is further down Factory Hill, to the south east end of the site, therefore taking it further away from the proposed residential properties to the north west of the site, which are 50m away. If vehicular access remains to the north west of the site as indicated on the plans we would require a noise impact assessment considering the impact of both delivery vehicles and the staff car park on the nearest proposed residential properties. The assessment shall include mitigation measures to ensure that future residents will not be disturbed.”*
- 8.3 The applicants have discussed this matter with our Environmental Control team and it has been agreed to examine this matter in more depth at Reserved Matters stage.
- 8.4 Our Contaminated Land Officer has commented: *‘I have now reviewed this report and note that there are recommendations for some intrusive investigations to further characterise potential pollutant linkages. These should include further discussion of the man-hole covers identified but not inspected. Laboratory testing of soil samples should be relevant to the Conceptual Site Model and include a pesticide/herbicide suite.... I note the submitted information with regard to these applications, including the report (Herts and Essex Desk Study Ref. 10446, dated August 2011), which makes recommendations for additional investigations and revised risk assessments. Based on the information provided to date, it would seem likely that there will need to be some remediation, but that the application sites can be made suitable for the proposed uses, with remedial actions conditioned where appropriate.’*
- 8.5 A request for a restriction on hours of use for forklifts has also been suggested. However, the applicant has made it known that 24-hour activity is important to its business model in terms of supplying supermarkets. It is therefore suggested that this condition be omitted, but that a limit on reversing alarms be put in place.
- 8.6 It has also been requested that delivery/dispatch be limited to certain times. However, for the same reason as above, this is not possible. It is, therefore, proposed that a delivery management plan be put in place
- 8.7 DHU: Initial comments were as follow: *“The outline application for the factory needs to reconsider the relationship between the proposed adjoining residential estate. The factory layout proposes heavy vehicle movements and staff parking adjacent to the residential area whilst providing a large vacant green area on the far side of the layout.*

The loop road around the building does not need to provide lorry access past the residential area and redesigning the road layout will stop the need for controlling hours of operation in order to protect residential amenity.

The concept drawings for the factory may indicate some ‘green walling’ intended to mitigate the appearance in the countryside. This walling appears below a large flat roof which is indicated in grey. I would advise the opportunity of ‘greening’ the flat roof of the factory should be considered because as well as increasing the visual mitigation the roof can add greatly to bio-diversity compensation and enhancement.”

- 8.8 *OFFICER COMMENT – after a meeting with the applicants, it became clear that the vacant space is in place to accommodate future factory growth. Therefore the road/turning cannot be easily accommodated there. In addition, the northern end of the site is to be built first, and therefore needs a road convenient to it.*

- 8.9 Anglian Water 'The foul drainage strategy for the relocation of the jam factory is to a private on site Sewage Treatment Works (STW). This STW will remain in private ownership and will not impact on an Anglian Water asset. Therefore this is outside of our jurisdiction for comment and the views of the Environment Agency should be sought in this respect. If the foul drainage strategy changes and a connection to a public sewer or Sewage Treatment Works are proposed, we request the Local Planning Authority re-consults Anglian Water.'
- 8.10 Environment Agency 'We have inspected the application, as submitted, and have no objection provided the following condition relating to surface water management is appended to any planning permission granted' (this condition is at the end of the report).
- 8.11 The Environment Agency then added further comments on 22nd March, following discussions with the applicant's consultants, and stated that the level of water leaving the combined sites should not be in excess of 361 litres per second (as opposed to having previously stated that 372 litres per second should be the limit). The condition has been changed accordingly.
- 8.12 Natural England 'No objection – no conditions requested' an informative on Biodiversity enhancements was suggested.
- 8.13 Landscape Conservation 'The concept proposals submitted under the Landscape Design Strategy document & drawing no. MCA2411/12 would appear broadly satisfactory. However it should be noted that the planting pallet proposed under this drawing is considered as detail and has not therefore been assessed as part of this consultation, but rather would be reviewed as part of any detail landscape submission under condition discharge.' A minor amendment was also proposed to reduce the number of trees so that those remaining may thrive.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that:-

"Tiptree Parish Council considered all the applications at an Extraordinary Meeting of the Parish Council held on Monday 4th March 2013 and commented as follows:

1. The foul and surface water drainage from the 3 development sites will run down to a reservoir that will overflow into Layer Brook. This year it has been reported that there has been excessive standing water in the areas of Tudick Road and Strawberry Lane caused by the run off from the fields therefore all additional water from the three sites will make the situation worse and create a flood risk. The Parish Council requests that CBC initiate its own Engineering survey to ensure this risk is minimised.

2. The road junction at Factory Hill – Station Road/Chapel Road/Church Road, already causes concern and there have been requests over several years for this junction to be improved by the introduction of a roundabout or traffic lights. This proposed development can only make this situation worse with the prospect of several hundred more cars per day using the junction. There will be an added risk of young children living within the new development having to negotiate this junction when walking to and from school. The Parish Council request that CBC undertake a full assessment of the current and projected use of this junction should these developments proceed and include any necessary improvements to the junction within the planning consent.'

9.2 In specific relation to Application 130243 it added: ' No objection, subject to points 1 and 2 above being taken into consideration.

OFFICER'S COMMENT: The matters relating to drainage are to the satisfaction of the Environment Agency. The Highway Authority has asked for a widening of Station Road, but no other works to that part of the Highway network.

10.0 Representations

10.1 As of 2nd April – six objections had been received: One complaining that there was insufficient time to look at, and consider, all of the submitted documents – whilst noting that “the sewage plant is to be constructed outside of the designated 'employment' area and encroach on further agricultural greenfield land”. Two objections expressed concern that no improvements were to be made to the junction of Factory Hill/Chapel Road/Station Road. Two objections (one from a property near to the brook, just across the boundary in Maldon District) based on concerns over increased levels of water discharged into Layer Brook and also stated that there was evidence of Water Vole presence in the Brook around the Tudwick Road area which required further investigation. A further objection was received from a resident of Tolleshunt Knights, complaining that he should have been consulted and that the site notices had not been posted in a place where they could be easily read. He also opposed the principle of the development, quoting “fragmentation and degradation of the rural landscape” as well as light and noise pollution amongst others.

OFFICER COMMENT: All relevant properties within the Borough were consulted. As a neighbouring authority, Maldon District Council was consulted, as was the neighbouring parish of Tolleshunt Knights. Individual properties outside of the Borough were not consulted. The notices were placed by your Officer on street furniture at locations where it was safe to do so, and therefore where it is safe to read them.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 The submitted drawings show 161 parking spaces (8 for people with disabilities) at the compliant size of 5.5m x 2.9m (3.6m x 6.0m for people with disabilities). Also, parking for eight motorcycles and 72 cycle spaces is indicated. These meet the required amounts for the mixture of B8/B2/B1 uses as listed in the Essex County Council Parking Standards (2009). The parking standards for these uses are *maximum* rather than minimum.

12.0 Open Space Provisions

12.1 n/a

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered along with all of the Wilkin & Son applications, and it was concluded that that, with all the applications, Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

14.2 These relate to:

- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

14.3 The required Highway improvements (Pedestrian and cycle links, Crossings, Shared foot/cycleways at proposed roundabout etc, Zebra crossing, Continuation of cycleway north of cricket ground to Newbridge Road, Upgrading of bus-stops, Widening of Station Road approach to Factory Hill, Transport information packs) are subject to a separate section 278 agreement with the Highway Authority and are secured by condition.

14.4 In addition to this, the section 106 contains clauses which relate to phasing. This was not discussed by Development Team, but accords with policy TJF1. That part of the section 106 is phrased as follows: *“...not to permit commencement of the development on the Northern Housing Land (i.e. application 130245), unless and until a contract has been entered into to provide for the construction of the New Factory and the construction of the New Factory has commenced on the New Factory Site by the carrying out of a material operation in accordance with Section 56 of the 1990 Act.”*

15.0 Report

Design and Layout

15.1 Members are reminded that this is an outline application only. Officially the only matter for which permission is being sought at this stage is access. Those matters relating to appearance, landscaping, layout and scale will be properly assessed at the time of subsequent Reserved Matters application(s).

15.2 It is worth noting, however, that a substantial amount of detail has been provided at this stage which it would be useful to consider now, and could act as a base from which the applicant may submit those subsequent applications. It is also worth remembering that the design might have to change depending on the operational requirements of the site-user.

15.3 The proposed factory building covers a gross internal area of 13,000m² with production covering almost 7,000m² and warehousing almost 4,000m² (the other elements comprising office/canteen, office, plant and link). To the south-east, an external yard/storage area/lorry park of about 5,000m² is proposed, along with some car parking and retention of part of the lagoon.

15.4 The majority of the car and cycle parking is to be on two parcels on the northern and western parts of the site, with a service road around the perimeter of the buildings and car parks and landscaping all the way around the perimeter.

15.5 In terms of the access, this is shown as being at the northern edge of the site, via a newly-built roundabout off of Factory Hill.

15.6 The design of the building itself will be finalised at Reserved Matters stage. The indicative drawings, however, show the main manufacturing building to comprise a curved roof whose eaves almost reach to the ground. Meanwhile the warehousing is indicated as being flat, with green walls.

Scale, Height and Massing:

15.7 Sectional drawings indicate that the brow of the manufacturing building (the highest substantial element of the development) measures 12.6 metres, with two extract flues reaching just over 15 metres. The warehouse building sits lower, at between eight and nine metres.

15.8 In order to mitigate, excavation is proposed which helps to sink the building into the slope. This is indicated at being to the order of 1.5 metres in some places.

Impact on the Surrounding Area:

- 15.9 The proposal would have an obvious visual amenity effect on the surrounding area and would inevitably bring development into a previously undeveloped area. Schematics show that downhill from the site (Tolleshunt Knights) whilst parts of the silhouette might be detectable, thanks to careful planting the only clearly seen features would be the chimney stacks. The main public view (from Factory Hill) would be softened by new planting which, over time, would potentially be higher than the factory itself. Longer views across country from the west would be similarly affected.

Impacts on Neighbouring Properties:

- 15.10 The two houses of Mulberry Walk to the northwest are the nearest residential properties to the proposal site and would be about 100 metres away from the nearest building. Given the low-set nature of the buildings it would be difficult to argue any effect on amenity, other than presenting some properties with an altered outlook.
- 15.11 The issue of noise could be of concern, especially for properties not yet built (on the old factory site, the subject of Planning application 130244). Environmental Control has recommended conditions which cover this point. It should also be remembered that users of the residential properties will be buying in to a known set-up, the noise will not be imposed on existing residents.

Amenity Provisions:

- 15.12 n/a

Highway Issues:

- 15.13 This proposal, in conjunction with the sister applications for housing, will cause additional traffic on Factory Hill. This has been raised as a concern by some objectors.
- 15.14 The Highway Authority has requested various works, as detailed in paragraph 14. In relation to the complicated Factory Hill/Chapel Road/Church Road/Station Road junction, it has not asked for any works over and above the widening of Station Road on its approach to Factory Hill.

Other Matters:

- 15.15 Drainage has been raised as a point of concern from one objector. However, it should be noted that the site is in Flood Zone 1 and is thus in an area of low risk (1 in 1000 year, according to the Environment Agency). Given that the site is in excess of one hectare, a Flood Risk Assessment has been submitted and the Environment Agency has not objected.

- 15.16 Of more concern to the objectors is water run-off, and the effects of the development off-site, particularly the demands which may be made on Layer Brook. The nearby property in Maldon District (in Tolleshunt Knights) has submitted photographs illustrating an existing problem. However, the Environment Agency has made it clear that the run off from the combined sites must be limited to 361 litres per second, with all storm volumes which exceed this rate being attenuated in facilities provided on site. Therefore, whilst not disputing that there may be an existing problem, the proposal is not held to exacerbate the situation to an unacceptable degree.
- 15.17 Danger to fauna has been cited by one objector, with particular reference to the water vole. An ecological assessment has accompanied the application, and this concludes: 'The wider site is a commercial intensive fruit growing area with limited biodiversity or conservation value, its development would have no significant impact.'
- 15.18 It should also be noted that Natural England has not objected, therefore the issue of ecology should be considered dealt with. This does not, of course, override the responsibilities of the developer and the Local Planning Authority under the terms of wildlife legislation.
- 15.19 In terms of the supposedly short time to examine and comment on the proposals, there have been (by the time of Committee) over nine weeks to comment on most matters, although the draft section 106 agreement has been visible for just over five weeks. This is within the accepted guidelines. This also comes after a year-long consultation exercise including the examination in public.
- 15.20 Regarding the issues over Highway matters. The Highway Authority has given its view on which works are required to make the scheme acceptable and these will be provided under the Section 106 Agreement.
- 15.21 It is noted that the proposed sewage works fall outside of the allocated employment zone, but this is not unacceptable in as much as it facilitates the new factory and the associated enabling development.
- 15.22 The Wilkin & Sons factory and warehouse, together with other elements such as the shop, museum and office, etc. accounts for in excess of 300 jobs. It is held that the factory, were it to expand, could accommodate employment for up to 500 people.
- 15.23 Policies TJF1 and TJF2 are the culmination of a year of consultation and Examination in Public. They have at their heart the desire of Wilkin & Sons to remain in Tiptree and build a new factory complex. Application 130243 is the application which, if approved, will allow Wilkin & Sons to achieve its aims.

16.0 Conclusion

- 16.1 In conclusion to this report, the land in question is allocated for employment purposes. Given this, and the fact that the proposal will retain 300 jobs in Tiptree and potentially create 500 more, and all issues in terms of residential and rural amenity, highway safety and ecological considerations are satisfied, the proposal is recommended for approval.

17.0 Recommended Reasons for the Decision

17.1 This proposal complies with policies TJJ1 and TJJ2 and would facilitate the retention of, and possible future increase in, local employment. It would also provide for infrastructure improvements involving works to the Highway, pedestrian and cycle links and open space provision.

18.0 Recommendation

18.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Phasing (as described above)
- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

18.2 On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

19.0 Conditions

1 - *Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2 - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4 - Non-Standard Condition/Reason

The Reserved Matters application shall substantially accord with the drawings submitted for the Outline application, except where matters are raised by the Local Planning Authority which require amendment.

Reason: For the avoidance of doubt as to the scope of this permission.

5 - Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6 - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

7 -Non-Standard Condition/Reason

The premises shall be used for food processing purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class B1/2/8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

8 - Non-Standard Condition/Reason

Forklifts shall be fitted with low noise reversing alarms of a type to be agreed with the Local Planning Authority.

Reason: To ensure noise impact is minimised in the interests of residential amenity.

9 - Non-Standard Condition/Reason

At the Reserved Matters stage the applicant shall submit a delivery management plan to the satisfaction of the Local Planning Authority. The details of this shall be complied with at all times.

Reason: To ensure noise impact is minimised in the interests of residential amenity.

10 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

11 - Car Parking and Service Areas (Outline Planning Permission only)

Prior to their first use, any car parking and service areas shall be screened to minimise any noise impact on nearby residential premises and in such a manner so as to prevent nearby residential premises being affected by vehicle exhaust fumes in accordance with a scheme that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that there is adequate screening in place to limit any unnecessary fumes, noise and disturbance to the surrounding areas and/or residents from vehicles using these areas.

12 - Industrial Processes (Control of Fumes, Odours, Dust etc)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme devised by a competent person for the control of fumes, smells and odours, and dust that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. The control measures 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, odours, dust, and smell 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.

13 - *Light Pollution for Major Development

Prior to the first /USE of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

14 - Oil Interceptor Required

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

15 - Non-Standard Condition/Reason

At the time of the Reserved Matters application, the landscaping scheme shall substantively comply with the scheme submitted with this Outline application by MCA Chartered Landscape Architects, together with the amendments suggested by our Landscape Conservation Officer in his consultation response of 4th March 2013.

Reason: In the interests of visual and residential amenity and ecological conservation and enhancement.

16 - Non-Standard Condition/Reason

No development approved by this planning permission shall take place until such time as a detailed scheme for the control of surface water drainage incorporating sustainable drainage principles, has been submitted to, and approved in writing by, the local planning authority.

The detailed surface water drainage design shall ensure that the peak rate of discharge arising from the new factory phase of the development (including the service roads, and all other hardstanding/hard surfaced areas) is limited to 180 litres per second, with all storm volumes exceeding this rate (up to and including the 1% annual probability design storm including appropriate allowances for climate change) attenuated in facilities provided on the site.

If the new factory on the neighbouring site is proposed to be constructed prior to the demolition of the existing factory (together with its associated hard surfaces), then provisions should be incorporated within the detailed design for both sites, to allow for attenuation of the existing volumes of water draining from the old factory site in addition to the volumes draining from the new factory site. This will ensure that there is no net increase of water leaving the combined areas in excess of a peak rate of 361 litres/second for the time period when both factory facilities exist.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the development accords with the policy principles of paragraphs 100, 102 and 103 of the National Planning Policy Framework; to prevent flooding occurring by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development and future users; and to ensure that the staggered development of individual phases of this development will not give rise to any net increase in the rates of surface water run-off leaving this site.

17 - Non-Standard Condition/Reason

Parking bays shall be 5.5m x 2.9m and single garages shall be 7m x 3m. Parking spaces abutting walls/structures shall have an additional one metre in width.

Reason: To ensure manoeuvrability and ease of occupant's entry/egress in the interests of Highway safety and efficiency.

18 - Non-Standard Condition/Reason

No development shall commence until works are undertaken to the satisfaction of the Highway Authority. These shall include:

- Pedestrian and cycle links
- Crossings
- Shared foot/cycleways at proposed roundabout etc.
- Zebra crossing
- Continuation of cycleway north of cricket ground to Newbridge Road
- Upgrading of bus-stops
- Widening of Station Road approach to Factory Hill
- Transport information packs

Reason: In order to promote sustainable, non car-borne modes of travel and in the interests of pedestrian safety.

19 – Non Standard Condition/Reason

Prior to the commencement of development, evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

20 – Non Standard Condition/Reason

Within 3 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

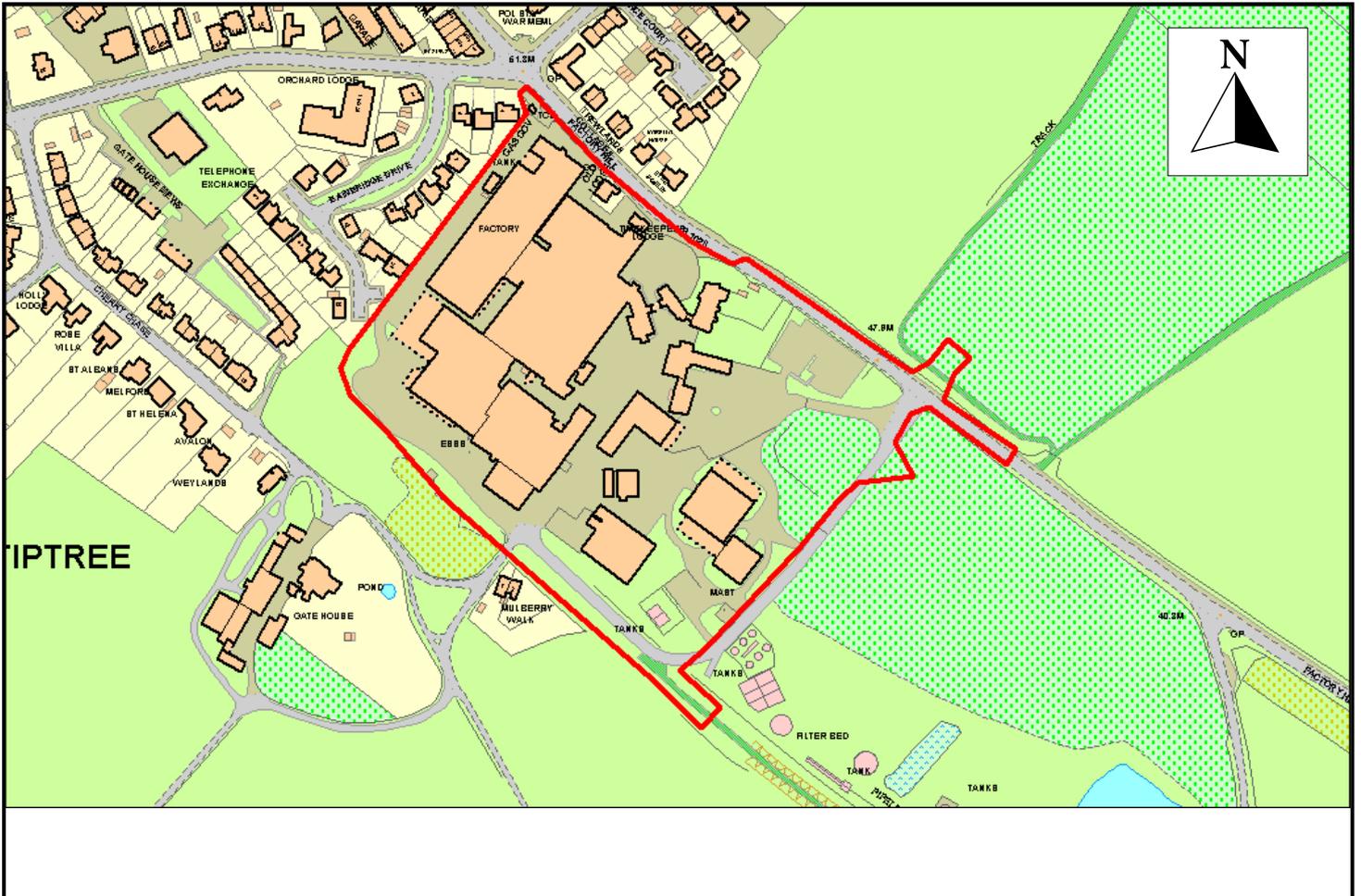
(3) NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) The applicant is encouraged to consider securing further measures to enhance the biodiversity of the site in accordance with Paragraph 118 of the NPPF. This could include a green roof to go along with the green walls which have been indicated.

(5) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. The submitted applications come about following the consultation and Examination in Public of the Tiptree Jam Factory proposals which resulted in the adoption of policies TJF1 and TJF2 which have formed the basis for this, and other associated Planning applications. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 130244

Location: Wilkins & Sons Ltd, Factory Hill, Tiptree, Colchester CO5 0RF

Scale (approx): 1:2500

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7.2 Case Officer: Mark Russell

Due Date: 07/05/2013

MAJOR

Site: Wilkin And Sons Ltd, Factory Hill, Tiptree, Colchester, CO5 0RF

Application No: 130244

Date Received: 5 February 2013

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons Ltd

Development: Demolition of the existing factory complex (with the exclusion of the Tiptree Visitor Centre, the Timekeepers Cottages and Factory Hill) and the erection of 118 dwellings, garages, car parking spaces, 3 commercial units, new roundabout onto Factory Hill, roads, footpaths/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 existing listed wall at Factory Hill, Tiptree for Wilkin and Sons Ltd.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This proposal is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

2.1 This application is before Committee with companion applications 130243, 130245 and 130247 (these relate to the provision of a new factory, new housing and the provision of a new private sewage treatment plant). Also under consideration, but not before Committee, are Listed Building applications 130244 and 130435 which are dealt with under delegated powers.

2.2 The key issues explored below cover the background to this application which resulted in Core Strategy Policy TJF1 being adopted in order to facilitate Wilkin & Sons' desire to remain within Tiptree.

2.3 The proposal to demolish the existing Wilkin & Sons factory and associated buildings, and the erection of 118 residential, and 3 commercial, units is described in detail and consultation responses are carefully considered. The visual effect of the proposed new buildings, and their possible effect on existing residential amenity and Highway safety and efficiency is considered in the context of economic well-being.

2.4 Finally it is concluded that permission should be granted for the proposal for housing in this allocated site, and also in the interests of job retention/creation and the economic well-being of Tiptree and the Borough of Colchester.

3.0 Site Description and Context

3.1 The Wilkin & Sons site is on the south-eastern edge of Tiptree, 10 miles south-east of Colchester. The site is currently mostly covered with factory and other buildings ancillary to the main use of jam/preserve manufacturing and storage, this includes the grade II listed Trewlands. Nearby to the north-east and north-west are residential properties. To the south-east of the site is open country (for the most part comprising fruit trees and plants, although there is also a lagoon and other apparatus in connection with this use). Across Factory Hill from the site is a further plantation, with other parcels of agricultural land on all other sides.

4.0 Description of the Proposal

4.1 Policy background to the proposal is important to understand its significance to Tiptree and the wider Borough.

4.2 The Colchester Site Allocations Document adopted in 2010 provides for an additional allocation for housing and open space in Grange Road, Tiptree to meet the housing requirement identified in the Core Strategy. The existing Tiptree Jam Factory site is allocated as an employment policy area together with land to the south-east of it extending to Tudwick Road. The village settlement boundary bisects the existing factory site. The land to the north of Factory Hill is shown as countryside outside of the settlement boundary.

4.3 Wilkin and Son submitted a request for allocation of a greenfield site for housing during the initial Regulation 25 stage of consultation on the Site Allocations, but did not submit any supporting evidence concerning the requirement for enabling development. The Council had produced what it considered to be a 'sound' plan and was not in a position to alter allocations unless this was required to make the overall document sound.

4.4 The National Planning Policy Framework published on 27 March 2012 seeks to boost significantly the delivery of new homes. At the same time the Localism Act is introducing a new type of development plan, the neighbourhood plan, which enables local communities and businesses to bring forward proposals for development in their areas, which as a minimum must meet Core Strategy requirements but can provide for additional development if there is local community support. This Plan, therefore, was prepared in the context of new Government policy to provide for additional housing development in Tiptree to secure the retention and growth of a significant local employer.

4.5 The vision, therefore is that 'the retention and expansion of Wilkin and Sons in Tiptree will promote the sustainable co-location of jobs and houses thereby minimising traffic impacts; support the community through the provision of open space and community facilities; and add to the stock of well-designed and sustainably constructed housing in Tiptree.'

- 4.6 After public consultation, exhibitions and an Examination in Public, the Inspector concluded that the proposed policies in relation to the Tiptree Jam Factory (TJF1 and TJF2) were sound (with some modifications) and the following policy TJF1 was adopted in February 2013:

“The existing Tiptree Jam Factory Site and land to the north of Factory Hill, Tiptree is allocated for residential development to enable the development of a new Jam Factory on a site to the south of the existing Jam Factory. A site is also allocated for 4.5 hectares of open space on land to the north of Factory Hill. A buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing. Design and landscaping features will be needed to maintain separation between the new development and Tolleshunt Knights. A site for a new sewage treatment works will be provided to the west of the new factory site. The development will be required to contribute to infrastructure provision in accordance with the Councils adopted policies. This includes community infrastructure and open space and may include those items mentioned in Table 1 above. The total area of open space proposed in the plan will be expected to be provided in full to meet new community needs in Tiptree and to alleviate visitor pressure on Abberton Reservoir. The provision of affordable housing will reflect the importance of increasing the supply of affordable housing as covered in Core Strategy Policy H4 (Affordable Housing) balanced against viability considerations arising from enabling development.

The allocation of land to the north of Factory Hill for residential development is solely to enable the development of the new Jam Factory on the allocated site and will therefore not be permitted to proceed without the relevant landowner(s) first entering into a legal agreement with the Council to ensure that no residential development can be commenced without a contract being entered into for the construction of the factory and an operational start being made in accordance with Section 56 of the Town and Country Planning Act 1990. “

- 4.7 Accompanying this, policy TJF2 stated:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or

Specific policies in that Framework indicate that development should be restricted. “

- 4.8 The proposal involves the demolition of most of the existing Wilkin & Sons factory buildings (excepting the Listed building Trewlands, Timekeepers Cottage, the Factory Hall and visitors' centre) and their replacement with 118 residential units, creation of three commercial units and removal/rebuilding of part of the Listed wall.
- 4.9 The residential elements break down into 92 houses (66 x 3-bed, 26 x 4-bed) and 26 flats (6 x 1-bed, 20 x 2-bed).
- 4.10 Trewlands and Timekeepers Cottages remain as flatted accommodation outside of this application, Factory Hall is to be given to Tiptree Parish Council for community use and the visitor centre is to remain as such.

5.0 Land Use Allocation

- 5.1 Employment Land.

6.0 Relevant Planning History

- 6.1 The Tiptree Jam Factory has a long Planning history (over 40 applications). It would not be advantageous to run through them here as they do not have an impact on the proposals at hand.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE1 - Centres and Employment Classification and Hierarchy
- CE3 - Employment Zones
- H1 – Housing Delivery
- H2 – Housing Density
- H3 – Housing Diversity
- HA4 – Affordable Housing
- UR2 - Built Design and Character
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling

TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling
TJF1 - Tiptree Jam Factory 1
TJF2 - Tiptree Jam Factory 1

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority: The HA Made various recommendations regarding minor matters in the layout of the site. These were agreed to at a meeting on 26th March and will be covered by amended drawings.

8.2 Of more significance was the issue of one of the proposed accesses on to Factory Hill. The HA noted that the proposed new entrance close to Trewlands (as opposed to the existing access which serves it) did not satisfy visibility requirements. It was therefore necessary to slightly reconfigure the site layout, with the result that the HA was satisfied with matters. Amended drawings confirming this point are awaited and will be reported on the amendment sheet.

- 8.3 Environmental Control – Requested the standard demolition and construction advisory note, plus several conditions relating to noise and light in view of the presence of commercial units, and also the relative proximity of the new jam factory. These are included at the end of this report.
- 8.4 Our Contaminated Land Officer has commented: ‘I have now reviewed this report and note that there are recommendations for some intrusive investigations to further characterise potential pollutant linkages. These should include further discussion of the man-hole covers identified but not inspected. Laboratory testing of soil samples should be relevant to the Conceptual Site Model and include a pesticide/herbicide suite.... I note the submitted information with regard to these applications, including the report (Herts and Essex Desk Study Ref. 10446, dated August 2011), which makes recommendations for additional investigations and revised risk assessments. Based on the information provided to date, it would seem likely that there will need to be some remediation, but that the application sites can be made suitable for the proposed uses, with remedial actions conditioned where appropriate.
- 8.5 DHU – ‘Visually the proposal is significantly marred by the repetition of the same sized house types and the overly imposed limited range of details. Whilst these have cosmetic variations, there is a monotony of form and height which creates excessive homogeneity. This visually negates the cosmetic variations resulting in a visually contrived townscape. A themed pastiche scheme, as attempted here is uncharacteristic of Tiptree and the lack of contextual references is inadequate. The repetition of window bays and other detailing features such as a theme of contrasting brickwork bands have been applied too liberally leading to a monotony that is not characteristic of Tiptree. The excessive regularity is enforced by the constant setback from the pavement throughout the layout. There needs to be a greater variation of house types and detailing within the scheme. Materials and colours should also have more variation. This will increase the visual interest and attraction to acceptable levels. The setting of the listed building on the site is visually compromised by the three storey apartment block and cycle store sited too close within its curtilage. The curtilage has been removed and replaced with car parking which is an unacceptable compromise of the setting. There is no amenity space provided for plots 1, 2 and 3.’
- 8.6 Our Listed Building expert also voiced concerns over the setting of Trewlands, stating: ‘The submitted Heritage Statement does not provide an informed assessment of the significance of Trewlands or its setting.... The redevelopment of the former garden area of Trewlands in the manner proposed will cause significant material harm to the setting of this listed building.... This form of boundary treatment (close-boarded fencing) is not considered appropriate.... The proposed redevelopment of the Tiptree Jam Factory site in its current form will cause material harm to the setting of Trewlands.... It is recommended that the proposed development surrounding Trewlands Farmhouse is reconsidered... If the applicant is unwilling to amend the current development proposals, it is recommended that this application is Refused.’

8.7 *OFFICER'S NOTE - The proposed apartment block closest to Trewlands has now been drawn away from it, and the area between the buildings is to remain mostly garden. The listed building now has more space to breathe and its immediate curtilage is not held to be harmed. In fact, as the modern accretions to it are to be removed, it is held that the setting is in some way enhanced. These matters are covered by drawings to be reported on the amendment sheet. A variation of house heights and detailing has now also been agreed.*

8.8 Environment Agency – No objections subject to condition (at end of report).

8.9 The Environment Agency then added further comments on 22nd March, following discussions with the applicant's consultants, and stated that the level of water leaving the combined sites should not be in excess of 361 litres per second (as opposed to having previously stated that 372 litres per second should be the limit). The condition has been changed accordingly.

8.10 Natural England – 'Natural England does not object to the proposed development, provided that the open space requirements set out in the adopted Tiptree Jam Factory Plan are provided in full before the proposed dwellings are occupied. The planning authority should secure these provisions (and any associated management arrangements) by way of a suitably worded planning condition or legal agreement.' Notes were also provided on Protected Species and Biodiversity enhancements.

OFFICER'S COMMENT – Whilst Natural England has requested full provision of all open space prior to occupation of the first dwelling, it is unlikely that this will happen. Instead it is proposed to ensure that the open space is provided in a timely fashion which is detailed in the Section 106 legal agreement.

8.11 Landscape Conservation – satisfied with the scheme, but with the following note: 'The level of detail illustrated under drawings no. MCA 2411/01, 02, 03 & 04 is not required at application stage, where agreement of concept is required, and has therefore not been assessed as part of this proposal; rather such detail would be required as part of any landscape condition discharge when it would need to be cross checked against Guidance note LIS/C.'

8.12 Anglian Water: Regarding waste-water treatment: "The foul drainage from this development is in the catchment of Tiptree STW that at present has available capacity for these flows."

Regarding the foul sewerage network: "A connection into the local network would result in an unacceptable risk of flooding due to capacity limitations. Anglian Water has worked with the developer to produce a foul drainage strategy which encompasses a direct connection to Tiptree Sewage Treatment works via an adoptable pumping station and rising main. No connection into the local infrastructure will be made. The drainage strategy for the site should cover the procurement of the improvement works."

We will request a condition requiring the drainage strategy covering the issue(s) to be agreed."

Regarding surface water disposal: We request that the agreed strategy is conditioned in the planning approval.

9.0 Parish Council Response

9.1 Tiptree Parish Council held an extraordinary meeting on 4th March, and made the following points about all of the applications:

1. 'The foul and surface water drainage from the 3 development sites will run down to a reservoir that will overflow into Layer Brook. This year it has been reported that there has been excessive standing water in the areas of Tudwick Road and Strawberry Lane caused by the run off from the fields therefore all additional water from the three sites will make the situation worse and create a flood risk. The Parish Council requests that CBC initiate its own Engineering survey to ensure this risk is minimised.
2. The road junction at Factory Hill – Station Road/Chapel Road/Church Road, already causes concern and there have been requests over several years for this junction to be improved by the introduction of a roundabout or traffic lights. This proposed development can only make this situation worse with the prospect of several hundred more cars per day using the junction. There will be an added risk of young children living within the new development having to negotiate this junction when walking to and from school. The Parish Council request that CBC undertake a full assessment of the current and projected use of this junction should these developments proceed and include any necessary improvements to the junction within the planning consent.'

9.2 In specific reference to Application 130244, it added: 'No objection, subject to points 1 and 2 above being taken into consideration. In addition consideration should be given to increasing the allocated parking spaces for the larger properties on both housing sites. It should be noted that due to Tiptree's rural location and the poor public transport links, there is a need for additional vehicles per household.

9.3 *OFFICER'S NOTE – the proposals comply with the parking standards in terms of a 225 per cent provision across the sites. The matters relating to drainage are to the satisfaction of the Environment Agency. The Highway Authority has asked for a widening of Station Road, but no other works to that part of the Highway network.*

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

10.0 Representations

10.1 As of 2nd April 2013, three letters of objection had been received. These covered the following points:

1. The proposal to discharge surface water from the housing site into Layer Brook in the Tudwick Road area will increase the present flood risk.
2. Evidence of Water Vole presence in the Brook around the Tudwick Road area.
3. Increased traffic levels causing congestion, compromising Highway safety.
4. The factory has outgrown its village location, it should move to Witham instead.
5. The village infrastructure cannot cope with the proposed development.
6. Request (from Bainbridge Drive) that bungalows be built to preserve the open aspect.

7. Request (also from Bainbridge Drive) that no affordable housing be built nearby, and that a fence be extended along the entire boundary.
8. An objector from Tolleshunt Knights complained that he should have been consulted and that the site notices had not been posted in a place where they could be easily read. He also opposed the principle of the development, quoting “fragmentation and degradation of the rural landscape” as well as light and noise pollution amongst others.

OFFICER COMMENT: All relevant properties within the Borough were consulted. As a neighbouring authority, Maldon District Council was consulted, as was the neighbouring parish of Tolleshunt Knights. Individual properties outside of the Borough were not consulted. The notices were placed by your Officer on street furniture at locations where it was safe to do so, and therefore where it is safe to read them.

The full text of all of the representations received is available to view on the Council’s website.

11.0 Parking Provision

- 11.1 261 spaces are proposed, as against a standard of 265 spaces for 118 residential units, with 72 (including four for people with disabilities) and three coach parking spaces for the visitor centre.

12.0 Open Space Provisions

- 12.1 Two parcels of open space measuring approximately 2,000m² each are proposed, in addition to other incidental areas of open space.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered along with all of the Wilkin & Son applications, and it was concluded that that, with all the applications, Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

14.2 These relate to:

- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

14.3 The required Highway improvements (Pedestrian and cycle links, Crossings, Shared foot/cycleways at proposed roundabout etc, Zebra crossing, Continuation of cycleway north of cricket ground to Newbridge Road, Upgrading of bus-stops, Widening of Station Road approach to Factory Hill, Transport information packs) are subject to a separate section 278 agreement with the Highway Authority and are secured by condition.

14.4 In addition to this, the section 106 contains clauses which relate to phasing. This was not discussed by Development Team, but accords with policy TJF1. That part of the section 106 is phrased as follows: *"...not to permit commencement of the development on the Northern Housing Land (i.e. application 130245), unless and until a contract has been entered into to provide for the construction of the New Factory and the construction of the New Factory has commenced on the New Factory Site by the carrying out of a material operation in accordance with Section 56 of the 1990 Act."*

15.0 Report

Design and Layout:

15.1 The proposal is for a predominantly residential development, with an element of new commercial, community and remaining Wilkin & Son operations. The layout can be broken down into four definable areas.

i) The north. This comprises a formal arrangement of about 30, predominantly terraced houses around a central open space (measuring approximately 40 metres x 50 metres). To the west of this section is a smaller group of two detached and two groups of two semi detached houses, whilst on the eastern edge is half a dozen further properties, plus the retained Factory Hall which is to be put to community use;

ii) The west. Here is a more randomised arrangement of about 50 houses of varying types. Two terraces line a road which takes its access off of the main peripheral route, and a cul-de-sac of eight dwellings cuts across the rear gardens of the other properties;

iii) The east. This section is dominated by existing buildings and includes the retention of the current visitor centre to continue with that role, the Listed Building Trewlands is to remain as residential accommodation outside of this application. A new residential block of apartments is also proposed. The southern half of this section being dominated by parking in relation to the visitor centre.

iv) The south. The remainder of the site is occupied by this further pocket of open space which is of a similar size to the space in the northern section. This aspect opens out onto the new factory site (subject of application 130243).

- 15.2 The chosen materials are predominantly gault/London stock bricks and smooth render with blue brick plinth and slate roofs.

Scale, Height and Massing:

- 15.3 The massing can be characterised as being tightly arranged with little or no gap between buildings, punctuated by the two main areas of open space, then becoming more loosely arranged around the existing buildings.

- 15.4 The heights of the proposed buildings are adequately spelt out on drawing 1393 – P107. This shows the vast majority to be two storey, but with twelve reaching up to a third storey. The buildings range in height from 8.3, 8.5 and 10.5 all the way up to 12 metres to ridge. The apartment blocks are approximately 10.9 to 11.4 metres in height.

Impact on the Surrounding Area:

- 15.5 The current scenario of a jumble of factory buildings will be made more visibly acceptable by the new buildings which are generally lower set. The massing to the north of the site will be more broken down when compared with the existing monolith of the main factory building. Thus, the aspect of this part of the development can be said to be no more significant.

Impacts on Neighbouring Properties:

- 15.6 There is no readily identifiable impact on residential amenity, save for the fact that outlook will be altered, although not negatively.

Amenity Provisions:

- 15.7 All of the garden sizes comply with at least the minimum standards of 50m² for two bed, 60m² for three bed, and 100m² for four or more bed and 25m² per flat.

Highway Issues:

- 15.8 As discussed at paragraph 8, the Highway Authority had concerns about an access onto Factory Hill, which has now been removed, there are therefore no outstanding issues.

16.0 Conclusion

- 16.1 In conclusion, this housing proposal complies with the newly adopted policy TJF1 and is seen as an enabling development to allow for the redevelopment of the jam factory and to ensure that Wilkin & Sons remains in Tiptree.

17.0 Recommended Reasons for the Decision

17.1 This proposal complies with policies TJJ1 and TJJ2 and would facilitate the retention of, and possible future increase in, local employment. It would also provide for infrastructure improvements involving works to the Highway, pedestrian and cycle links and open space provision.

18.0 Recommendation

18.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Phasing (as described above)
- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

18.2 On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

19.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby approved shall comply in all respect with approved plans 1393-P101, 1393-P102, 1393-P103, 1393-P104, 1393-P105, 1393-P106, 1393-P107, 1393-P201, 1393-P202, 1393-P203, 1393-P204, 1393-P205, 1393-P206, 1393-P207, 1393-P208, 1393-P209, 1393-P210, 1393-P211, 1393-P212, 1393-P213, 1393-P214, 1393-P215, 1393-P216, 1393-P217, 1393-P218, 1393-P219, 1393-P220, 1393-P221, 1393-P222, 1393-P223, 1393-P302, 1393-P303, 1393-P304, 2025/E/2 REV D, 2025/E/3 REV A, 2028/P/1/B, MCA2411/01, MCA2411/02, MCA2411/03 and MCA2411/04 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

4 - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

5 - *External Noise

Prior to the commencement of development, a noise survey for proposed residential properties that are in the vicinity of the road, factory access road, car park and factory shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700- 2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

6 - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

7 -Non-Standard Condition/Reason

A 1.8 metre close-boarded fence or wall shall be erected along all boundaries with existing properties and car parking areas.

Reason: In the interests of residential amenity.

8 - Non-Standard Condition/Reason

A 1.8 metre wall shall be erected along the residential boundaries with the commercial units (as indicated on the plan).

Reason: In the interests of residential amenity.

9 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

10 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

11 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;

- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

12 - Non-Standard Condition/Reason

No development approved by this planning permission shall take place until such time as a detailed scheme for the control of surface water drainage incorporating sustainable drainage principles, has been submitted to, and approved in writing by, the local planning authority.

The detailed surface water drainage design shall ensure that following the demolition of the old factory building and hardstandings, the peak rate of discharge arising from the new housing development (including the roads, and all other hardstanding/hard surfaced areas) is limited to a maximum allowable discharge rate of 181 litres per second, with all storm volumes up to and including the 1% annual probability design storm (including appropriate allowances for climate change) attenuated in facilities provided on the site.

If the new factory on the neighbouring site (planning application 130243) is proposed to be constructed prior to the demolition of the existing factory (together with its associated hard surfaces), then provisions should be incorporated within the detailed design for both sites, to allow for attenuation of the existing volumes of water draining from the old factory site in addition to the volumes draining from the new factory site. This will ensure that there is no net increase of water leaving the combined areas in excess of a peak rate of 361 litres/second for the time period when both factory facilities exist.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason This condition is required to:

- Ensure that the development is in accordance with the policies referred to in paragraphs 100, 102 and 103 of the National Planning Policy Framework.
- Prevent flooding occurring by ensuring the satisfactory storage of/disposal of surface water from the site.
- Reduce the risk of flooding to the proposed development and future users.
- Ensure that the staggered development of individual phases of the wider site

development will not give rise to any net increase in the rates of surface water run-off leaving this site either during or after completion of the re-development.

13 - Non-Standard Condition/Reason

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

14 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

15 – ZCA Residential Code for Sustainable Homes part 1 of 2

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

16 – ZCB Residential Code for Sustainable Homes part 2 of 2

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

17 – ZBC Materials to be agreed

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

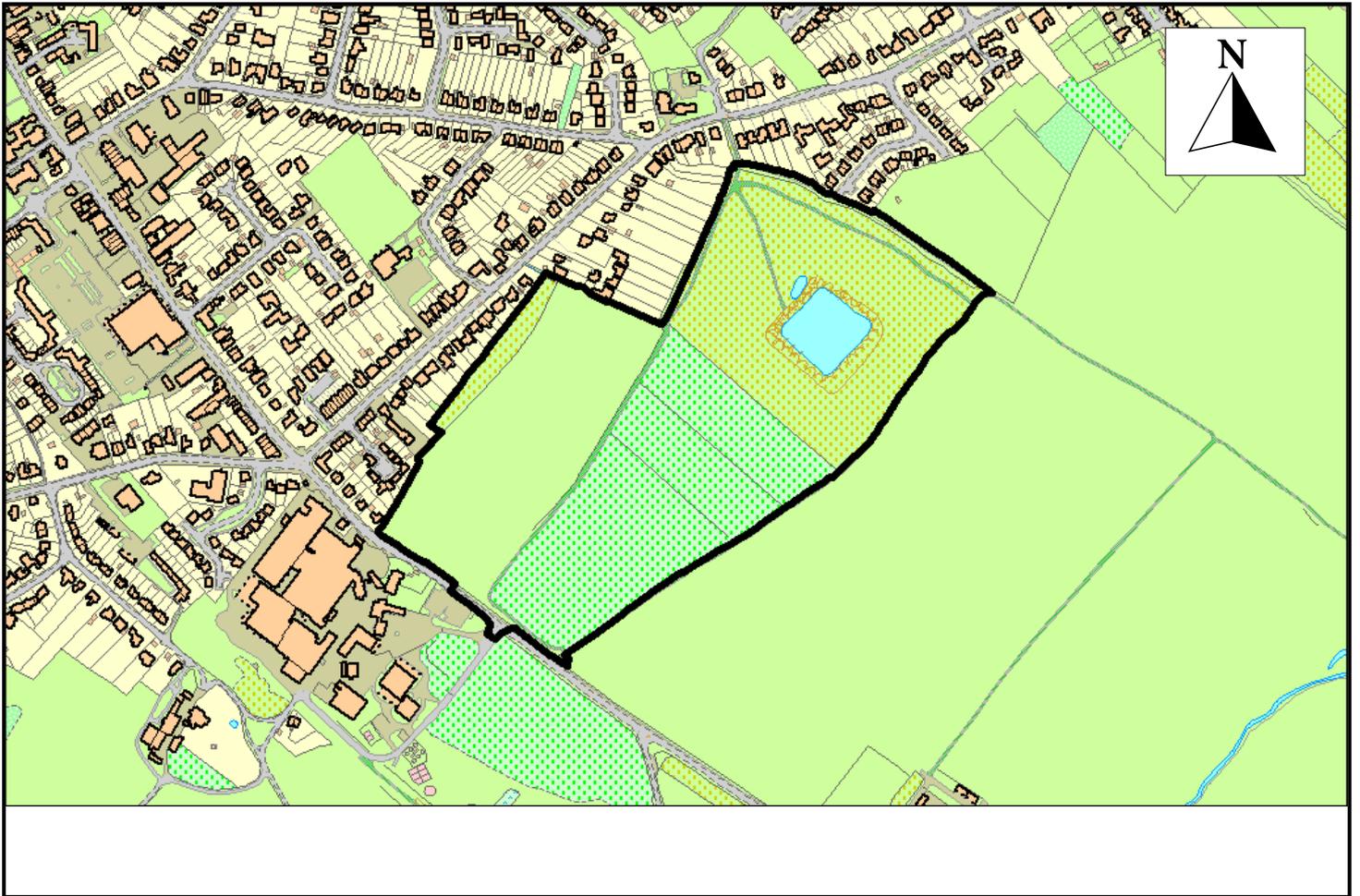
(4) The developer should address risks to the water environment from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency ‘Guiding Principles for Land Contamination.’

(5) Bio-diversity enhancements The applicant is encouraged to consider securing measures to enhance the biodiversity of the site in accordance with Paragraph 118 of the NPPF.

(6) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. The submitted applications come about following the consultation and Examination in Public of the Tiptree Jam Factory proposals which resulted in the adoption of policies TJF1 and TJF2 which have formed the basis for this, and other associated Planning applications. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 130245

Location: Land to North East of Factory Hill, Tiptree, Colchester

Scale (approx): NOT TO SCALE

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7.3 Case Officer: Mark Russell

Due Date: 07/05/2013

MAJOR

Site: Land north east of Factory Hill, Tiptree, Colchester

Application No: 130245

Date Received: 5 February 2013

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons Ltd

Development: 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.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to the signing of a Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This proposal is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

2.1 This application is before Committee with companion applications 130243, 130244 and 130247 (these relate to the provision of a new factory, new housing on the old factory site and the provision of a new private sewage treatment plant).

2.2 The key issues explored below cover the background to this application which resulted in Core Strategy Policy TJF1 being adopted in order to facilitate Wilkin & Sons' desire to remain within Tiptree.

2.3 The proposal to erect 126 dwellings on this greenfield site, together with the provision of open space and other community provisions is described in detail and consultation responses are carefully considered. The visual effect of the proposed new buildings, and their possible effect on existing residential and sylvan amenity and Highway safety and efficiency is considered in the context of economic well-being and Wilkin & Sons' desire to stay in Tiptree.

2.4 A number of objections, chiefly from surrounding properties concerned about the lack of a 'buffer strip' and also relating to Highway issues are reported.

2.5 Amendments to the scheme, to include a buffer strip, are then described. It is also argued that all Highways matters are satisfactorily resolved.

2.6 Finally it is concluded that permission should be granted for the proposal for housing in this green-field site, and also in the interests of job retention/creation and the economic well-being of Tiptree and the Borough of Colchester.

3.0 Site Description and Context

3.1 The Wilkin & Sons landholding is on the south-eastern edge of Tiptree, 10 miles south-east of Colchester. This application site is to the north-east of Factory Hill and is currently mostly open country, with agricultural fields to the west and fruit trees to the east. The remainder of the site consists of Birch Woods with a reservoir in the middle.

3.2 To the north and west of the site are existing residential properties. Across Factory Hill is the existing Wilkin & Sons factory complex, whilst the remainder of the surroundings comprises open country (for the most part agricultural, but also comprising fruit trees and plants).

3.3 In addition to this, it is important to state that the land at the southern edge is between five and ten metres lower than the land at the top.

4.0 Description of the Proposal

4.1 Policy background to the proposal is important to understand its significance to Tiptree and the wider Borough.

4.2 The Colchester Site Allocations Document adopted in 2010 provides for an additional allocation for housing and open space in Grange Road, Tiptree to meet the housing requirement identified in the Core Strategy. The existing Tiptree Jam Factory site is allocated as an employment policy area together with land to the south-east of it extending to Tudwick Road. The village settlement boundary bisects the existing factory site. The land to the north of Factory Hill is shown as countryside outside of the settlement boundary.

4.3 Wilkin and Son submitted a request for allocation of a greenfield site for housing during the initial Regulation 25 stage of consultation on the Site Allocations, but did not submit any supporting evidence concerning the requirement for enabling development. The Council had produced what it considered to be a 'sound' plan and was not in a position to alter allocations unless this was required to make the overall document sound.

4.4 The National Planning Policy Framework published on 27 March 2012 seeks to boost significantly the delivery of new homes. At the same time the Localism Act is introducing a new type of development plan, the neighbourhood plan, which enables local communities and businesses to bring forward proposals for development in their areas, which as a minimum must meet Core Strategy requirements but can provide for additional development if there is local community support. This Plan, therefore, was prepared in the context of new Government policy to provide for additional housing development in Tiptree to secure the retention and growth of a significant local employer.

- 4.5 The vision, therefore is that ‘the retention and expansion of Wilkin and Sons in Tiptree will promote the sustainable co-location of jobs and houses thereby minimising traffic impacts; support the community through the provision of open space and community facilities; and add to the stock of well-designed and sustainably constructed housing in Tiptree.’
- 4.6 After public consultation, exhibitions and an Examination in Public, the Inspector concluded that the proposed policies in relation to the Tiptree Jam Factory (TJF1 and TJF2) were sound (with some modifications) and the following policy TJF1 was adopted in February 2013:

“The existing Tiptree Jam Factory Site and land to the north of Factory Hill, Tiptree is allocated for residential development to enable the development of a new Jam Factory on a site to the south of the existing Jam Factory. A site is also allocated for 4.5 hectares of open space on land to the north of Factory Hill. A buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing. Design and landscaping features will be needed to maintain separation between the new development and Tolleshunt Knights. A site for a new sewage treatment works will be provided to the west of the new factory site. The development will be required to contribute to infrastructure provision in accordance with the Councils adopted policies. This includes community infrastructure and open space and may include those items mentioned in Table 1 above. The total area of open space proposed in the plan will be expected to be provided in full to meet new community needs in Tiptree and to alleviate visitor pressure on Abberton Reservoir. The provision of affordable housing will reflect the importance of increasing the supply of affordable housing as covered in Core Strategy Policy H4 (Affordable Housing) balanced against viability considerations arising from enabling development.

The allocation of land to the north of Factory Hill for residential development is solely to enable the development of the new Jam Factory on the allocated site and will therefore not be permitted to proceed without the relevant landowner(s) first entering into a legal agreement with the Council to ensure that no residential development can be commenced without a contract being entered into for the construction of the factory and an operational start being made in accordance with Section 56 of the Town and Country Planning Act 1990. “

- 4.7 Accompanying this, policy TJF2 stated:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or

Specific policies in that Framework indicate that development should be restricted. “

4.8 Application Proposal: The residential elements of 126 units breaks down into 119 houses (4 x 1-bed, 8 x 2-bed, 55 x 3-bed, 52 x 4-bed) and 8 flats (5 x 1-bed, 2 x 2-bed). This may be subject to slight change which will be reported on the amendment sheet if necessary.

4.9 Also proposed is the giving over of land for the later provision of a dental surgery with parking, a large area of open space with a children’s play area in the southern part of the site, 28 allotments and formalised public access and use of Birch Woods.

4.10 Also as part of this application, and in conjunction with the other Wilkin & Sons’ applications, a new roundabout onto Factory Hill and other Highway improvements are proposed.

5.0 Land Use Allocation

5.1 Countryside, but recently allocated as predominantly residential in policy TJF1.

6.0 Relevant Planning History

6.1 This particular site has not been the subject of any relevant Planning applications, although the Wilkin & Sons site itself has a long Planning history attached to it.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government’s primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
H1 – Housing Delivery
H2 – Housing Density

H3 – Housing Diversity
H4 – Affordable Housing
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling
TJF1 – Tiptree Jam Factory 1
TJF2 - Tiptree Jam Factory 2

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority: Full written comments are awaited from the HA. However, following a meeting between the HA, the applicants and your Officers, some minor changes were suggested which will be incorporated into amended plans. Details will appear on the amendment sheet.

8.2 Environmental Control: Suggested the standard demolition and construction advisory note and also suggested conditions for hours of work, noise levels, refuse storage, light and fencing (included at the end of the report).

8.3 Our Contaminated Land Officer has commented:

'I have now reviewed this report and note that there are recommendations for some intrusive investigations to further characterise potential pollutant linkages. These should include further discussion of the man-hole covers identified but not inspected. Laboratory testing of soil samples should be relevant to the Conceptual Site Model and include a pesticide/herbicide suite.... I note the submitted information with regard to these applications, including the report (Herts and Essex Desk Study Ref. 10446, dated August 2011), which makes recommendations for additional investigations and revised risk assessments. Based on the information provided to date, it would seem likely that there will need to be some remediation, but that the application sites can be made suitable for the proposed uses, with remedial actions conditioned where appropriate.'

8.4 DHU: Our Urban Designer did not have any objections to the scheme as submitted.

8.5 Environment Agency has commented:

"The Flood Risk Assessment (FRA) has determined a combined maximum allowable discharge of 181 litres per second for Residential Site Area 1 and Residential Site Area 2 (including the Visitor Centre and Museum Complex).

We have already commented on the application for Residential Area 2 and apportioned an allowable peak rate of run-off from that site area.

With regard to the land covered by the planning application for Residential Area 1 we have provided a suggested condition for surface water drainage below.

The allowable discharge quoted in the FRA for the combined Residential Areas 1 & 2 needs to be apportioned to Residential Site Area 1 alone for the purpose of this application."

This has been done by subtracting the allowable discharge rate calculated in the FRA for Residential Area 2 (the old factory site) from the FRA's calculation of maximum allowable discharge for the two sites combined.

This amends the maximum allowable discharge rate for Residential Site Area 1 to a figure of 16 litres per second.

We consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below:

This condition is at the end of the report, and asks for a Peak maximum allowable discharge rate of 16 litres per second."

8.6 The Environment Agency then added further comments on 22nd March, following discussions with the applicant's consultants, and stated that the level of water leaving the combined sites should not be in excess of 361 litres per second (as opposed to having previously stated that 372 litres per second should be the limit). The condition has been changed accordingly.

8.7 The Environment Agency also requested that matters relating to sustainability (BREEAM), Resource Efficiency, "Net gains for Nature" and Sustainable energy use be incorporated into relevant conditions.

- 8.8 Natural England – ‘Natural England does not object to the proposed development, provided that the open space requirements set out in the adopted Tiptree Jam Factory Plan are provided in full before the proposed dwellings are occupied. The planning authority should secure these provisions (and any associated management arrangements) by way of a suitably worded planning condition or legal agreement.’ Notes were also provided on Protected Species and Biodiversity enhancements.

OFFICER’S COMMENT – Whilst Natural England has requested full provision of all open space prior to occupation of the first dwelling, it is possible that this might not happen. Instead it is proposed to ensure that that the open space is provided in a timely fashion to be agreed (see legal agreement).

- 8.9 Woodland Trust: no comments.

- 8.10 Essex Wildlife Trust: no comments.

- 8.11 Forestry Commission: no comments.

- 8.12 Anglian Water: Regarding waste-water treatment: ‘The foul drainage from this development is in the catchment of Tiptree STW that at present has available capacity for these flows.’

Regarding the foul sewerage network: ‘A connection into the local network would result in an unacceptable risk of flooding due to capacity limitations. Anglian Water has worked with the developer to produce a foul drainage strategy which encompasses a direct connection to Tiptree Sewage Treatment works via an adoptable pumping station and rising main. No connection into the local infrastructure will be made. The drainage strategy for the site should cover the procurement of the improvement works.’

Regarding surface water disposal: ‘ We request that the agreed strategy is conditioned in the planning approval.’

- 8.13 Landscape Conservation: ‘As a minor amendment to the application a native hedge and hedgerow trees should be proposed along the southern boundary of the site/POS (to the opposite side of the track to the existing windbreak hedge) and then extend along the road frontage into the site... in order to complement existing landscape structure, help filter-screen development from the south and east and help define the entrance to the site.

The design of the POS needs to be strengthened to add a more defined structure and diverse character within the space; however this could be agreed to be addressed under condition.

In conclusion, I am broadly satisfied with the landscape content of the proposal subject to the above.’

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

9.0 Parish Council Response

9.1 Tiptree Parish Council considered all the applications at an Extraordinary Meeting of the Parish Council held on Monday 4th March 2013, and commented as follows:

1. The foul and surface water drainage from the 3 development sites will run down to a reservoir that will overflow into Layer Brook. This year it has been reported that there has been excessive standing water in the areas of Tudwick Road and Strawberry Lane caused by the run off from the fields therefore all additional water from the three sites will make the situation worse and create a flood risk. The Parish Council requests that CBC initiate its own Engineering survey to ensure this risk is minimised.
2. The road junction at Factory Hill – Station Road/Chapel Road/Church Road, already causes concern and there have been requests over several years for this junction to be improved by the introduction of a roundabout or traffic lights. This proposed development can only make this situation worse with the prospect of several hundred more cars per day using the junction. There will be an added risk of young children living within the new development having to negotiate this junction when walking to and from school. The Parish Council request that CBC undertake a full assessment of the current and projected use of this junction should these developments proceed and include any necessary improvements to the junction within the planning consent.'

9.2 With specific reference to application 130245 it commented further:

'No objection, subject to points 1 and 2 above being taken into consideration. There are however additional concerns relating to the buffer zone. TJF1 states that there should be a buffer strip between the current dwellings on Quince Court, Chapel Road and Wood View, however it would appear there is no definition of a buffer strip. Initially it was proposed that this would form an open space area, however residents were unhappy with this proposal and it is understood that residents are now being offered the opportunity to purchase the buffer strip. This information is not included within the planning application and is very confusing and should be agreed in detail before this application is approved. This will cause a particular problem to the area known as The Spinney – a large mass of woodland behind Chapel Road with no TPO's. It is also noted that the planning application makes reference to a Dental Surgery, but in fact this is only a piece of land allocated for a dental surgery. Clarification of the future use of this piece of land should be included in the planning approval.'

OFFICER'S COMMENT: The matters relating to drainage are to the satisfaction of the Environment Agency. The Highway Authority has asked for a widening of Station Road, but no other works to that part of the Highway network. The above-mentioned issue of the buffer is covered at length in paragraphs 15.13 to 15.24.

10.0 Representations

10.1 As of 11th March 2013, 14 objections had been received, plus a petition with 215 signatures.

- 10.2 The fundamental point of concern was that a 20-metre “buffer strip” which, it had been understood, would be provided between existing and proposed properties, had not materialised. This point was raised by most of the objectors and was also the subject of the petition.
- 10.3 The applicants then submitted amended drawings indicating an area of land which could act as a “buffer”. Neighbours were reconsulted, but several (though fewer) objections were still received. This issue is discussed at length at paragraph 15.
- 10.3 One correspondent also complained that the draft Section 106 Agreement was not visible on the Website.

OFFICER COMMENT – This will have been publicly visible for over five weeks by the time of Committee. All addressees were re-notified on this point.

- 10.4 Also of concern was the potential overlooking of properties, overshadowing and loss of light, loss of rural outlook, noise pollution from the building work, inadequate infrastructure, question marks over whom would manage the open space, and a fear that Tiptree would lose its village status.
- 10.5 The owner of one property in Tolleshunt Knights also complained at having not been consulted and that the site notices had been placed in a dangerous location.

OFFICER’S COMMENT: All relevant properties within the borough of Colchester were consulted. In addition, Maldon District Council and Tolleshunt Knights Parish Council were consulted. No individual properties outside of the borough were notified. The public notices were posted by your Officer on foot, and therefore should equally be viewable on foot.

- 10.6 Finally, correspondents raised issues about Highway matters. These related to the extra traffic the scheme would bring, and also a desire to improve the junction at Factory Hill/Station Road/Chapel Road.

The full text of all of the representations received is available to view on the Council’s website.

11.0 Parking Provision

- 11.1 298 parking spaces are proposed, this comprises 284 spaces for the residential aspect (compliant, @ 2.25 average per dwelling), ten parking spaces for the allotments and four for the proposed dentist surgery (now to be increased following talks on 26th March) and 10 serving the open space.

12.0 Open Space Provisions

- 12.1 An area of 2.78 ha for informal outdoor use is proposed in the south-eastern half of the site, this will also contain a children’s play area. This far exceeds the required 10 per cent open space provision. In addition, a further area of 0.74ha is “available on an informal basis for the public to have access to” although the applicant will maintain ownership.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered along with all of the Wilkin & Sons applications, and it was concluded that that, with all the applications, Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

14.2 These relate to:

- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

14.3 The required Highway improvements (Pedestrian and cycle links, Crossings, Shared foot/cycleways at proposed roundabout etc, Zebra crossing, Continuation of cycleway north of cricket ground to Newbridge Road, Upgrading of bus-stops, Widening of Station Road approach to Factory Hill, Transport information packs) are subject to a separate section 278 agreement with the Highway Authority and are secured by condition.

14.4 In addition to this, the section 106 contains clauses which relate to phasing. This was not discussed by Development Team, but accords with policy TJF1. That part of the section 106 is phrased as follows: *“...not to permit commencement of the development on the Northern Housing Land (i.e. application 130245), unless and until a contract has been entered into to provide for the construction of the New Factory and the construction of the New Factory has commenced on the New Factory Site by the carrying out of a material operation in accordance with Section 56 of the 1990 Act.”*

14.5 These relate to:

- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

- 14.6 The required Highway improvements (Pedestrian and cycle links, Crossings, Shared foot/cycleways at proposed roundabout etc, Zebra crossing, Continuation of cycleway north of cricket ground to Newbridge Road, Upgrading of bus-stops, Widening of Station Road approach to Factory Hill, Transport information packs) are subject to a separate section 278 agreement with the Highway Authority and are secured by condition.
- 14.7 In addition to this, the section 106 contains clauses which relate to phasing. This was not discussed by Development Team, but accords with policy TJF1. That part of the section 106 is phrased as follows: *"...not to permit commencement of the development on the Northern Housing Land (i.e. application 130245), unless and until a contract has been entered into to provide for the construction of the New Factory and the construction of the New Factory has commenced on the New Factory Site by the carrying out of a material operation in accordance with Section 56 of the 1990 Act."*

15.0 Report

Design and Layout

- 15.1 The site comprises three distinct parcels: To the north west is the housing, to the south-south east the open space and children's play area and allotments, and to the far north-east is Birch Wood.
- 15.2 The housing scheme has a main spine road snaking through north-eastwards from Factory Hill and breaks down into four definable areas punctuated by an avenue of development mainly along the north-western edge:
- i) A small parcel on the northern part of Factory Hill contains the site for a dental surgery at the front, with a group of a dozen houses accessed off of a small spur road. Just north of this, another group of eight dwellings read the inside of the bend in the road and its eastward drag;
 - ii) just to the south-east of this, is a group of almshouse bungalows which addresses Factory Hill and forms part of a group of 20 dwelling which sweep up the spine road and circulate around a central parking area;
 - iii) to the east of this, a group of about 25 dwellings skirts around the road and the perimeter of the site (with half a dozen units around a spur).
 - iv) The fourth area comprises approximately 40 units, similarly arranged to area iii, but with a much more pronounced spur road eating in to its central section and having a cluster of about ten houses around it. As mentioned, there is an avenue effect with buildings tightly packed together, which begins to establish itself a third of the way into the site and holds a north-north-eastern path before striking a line north-east then south-east.
- 15.3 The chosen materials differ a little from the factory site, with coloured smooth render white cement fibre boarding red multi clay stock bricks, plain tiles and pantiles and blue/black reconstituted slates

Scale, Height and Massing

- 15.4 The buildings are predominantly two storey (although some are described as “two storey structures with attic rooms”) These range between eight metres up to 11.5 metres in height (with others shown at 9.5, 10.6, 11, and 11.3 metres to ridge). There is also a row of four bungalows addressing Factory Hill which measure 6.3 metres to ridge.

Impact on the Surrounding Area

- 15.5 Given the current countryside location and the elevated land on which the site sits, the development will inevitably have a very obvious, visible, urbanising effect on the area. In mitigation, an existing line of hedgerow (on the majority of the south-eastern boundary of the proposed open space) together with additional proposed planting will assist in a softer transition between the built form and open country.

Impacts on Neighbouring Properties

- 15.6 Given the greenfield location, the effect on residential amenity is negligible in terms of overshadowing, lost outlook and privacy. There is potential for overlooking to 4 Wood View, which is currently hard up against and with windows facing on to, the current fruit fields. However, the proposed houses are oriented and fenestrated such that no first floor habitable room windows are facing that property in a way that is held to be unsatisfactory. Despite the fact that amenity is unaffected, there is, however, a loss of rural aspect from the properties of Wood View and Quince Court (the properties of Chapel Road being largely screened from the development by the spinney). This is discussed at length below.

Highway Issues

- 15.7 The Highway Authority has commented on the improvements required to make the scheme acceptable. These relate to the provision of a roundabout, pedestrian and cycle links, crossings, upgrading of bus-stops, and other measures (listed at paragraph 14).
- 15.8 Requests had been made by some parties for improvements to the road system near the complicated junction at Church Road/Chapel Road/Station Road/Factory Hill. However, apart from the widening of Station Road on its approach to Factory Hill, HA has not requested any further modifications.

Open Space

- 15.9 A large area of open space (2.78 ha) to the south of the housing site is to be provided and handed to Tiptree Parish Council. This will also contain a children’s play area and an area of car parking convenient to it.
- 15.10 28 Allotments near to Birch Woods are also being offered. These will also be handed to Tiptree Parish Council.

- 15.11 In addition to this public open space, a further, smaller parcel of open space will be publicly accessible, but still owned by Wilkin & Sons for its own possible future use (perhaps a new visitor centre, this would require a separate Planning application).

Legal Agreement

- 15.12 This application is the one which necessitated the year-long process of public consultation and Examination in Public before the adoption of policies TJF1 and TJF2. The site known as “land north of Factory Hill” reaches beyond the site allocations of the previously adopted development plan documents. Key to the acceptability of this scheme is that it should, therefore, be tied to the building of the new factory to ensure that if the houses are built, so is the factory. This matter is covered in the legal agreement at paragraph

The Buffer

- 15.13 The majority of objections have related to the issue of the land around the edge of the development, variously described as “the buffer”, “the buffer strip.” Early discussions and publicity, including correspondence between the applicants and neighbours had fostered the belief in some quarters that this would constitute an area 20 metres deep, outside of the development site, potentially as publicly maintained open space (early drawings did even show a footpath leading from Factory Hill next to Little Scarlets and tracing a line along the rear of Quince Court).
- 15.14 The adopted Policy TJF1, however, is not so explicit, and simply states “A buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing.” This leaves the matter open to a degree of interpretation.
- 15.15 The applicants’ first attempt to interpret this was to ensure that there was a physical gap of at least 20 metres between existing curtilages and any built form (even then, there were some places where outbuildings such as garages strayed into this area), but the “buffer” was shown to be within the gardens of the new properties. This approach led to objections from neighbouring properties on Quince Court, Wood View and Chapel Road, including the Atlantis Health Spa which sent in a petition with 251 signatures (largely from its customers). A further petition containing 58 signatures (from neighbouring properties) was also submitted via a Planning consultant.
- 15.16 As a result of this, your Officer requested that the matter be revisited, and that the strip be allocated *outside* of the development site and to be in the ownership and control of third parties – either individual householders from existing properties, or an independent management company (be it Wilkin & Sons, or Tiptree Parish Council, for example). However, the applicants stated that they had no interest in taking on such a scheme. It is also extremely unlikely that Tiptree Parish Council would wish to inherit this burden. It was, therefore, concluded that the buffer should be offered to neighbouring properties, and neighbours were then re-consulted on this point.

15.17 Following this reconsultation, fewer objections were received (approximately half a dozen). Whilst this does not indicate that all other parties were content, it does indicate that some still do not agree with the offer. The reasons for this differ: Atlantis Health Spa would like to maintain privacy for its patrons (the picture window to the swimming pool currently gives out on to the fields), neighbours at Chapel Road require assurance that the spinney will be protected, this is an area which some have used as informal extensions to their gardens and has been seen as a pleasant, natural aspect which they would wish to preserve. Neighbours at Quince Court and Wood View, however, enjoy no such physical barrier to the outside world, and would like breathing space from the development – which will be residential where now there are fields. The general thrust for all of these parties is that breathing space is desirable, and that this should ideally not be in the control of the developers.

15.18 The applicants have further amended the offer, to show that Atlantis is completely insulated from the development (a gap had been left to the side) and that the strip now extends the full length of the garden of Wood View. The depth of this in no way represents 20 metres, but is held to comply with the requirements of TJF1 and with the drawings appended to that policy.

15.19 Once the line is established, it is then important to identify what this ‘buffer’ actually represents. There are two elements pertaining to this: i) ownership and ii) physicality.

15.20 On point i) the ideal scenario is that existing properties inherit it, thus securing the space which they desire. The applicants have recently approached the neighbours with an offer, and inform us that they have had a reasonably positive response. They have stated that of the 23 approached, 20 have shown interest (although four wish to discuss the price), two have not responded and one has declined.

15.21 The matter was further discussed at the meeting on March 26th, and the scheme offered by the applicants has been confirmed by email on 27th March. This will take the following course. The land will be offered to:

1. occupiers of properties adjoining the buffer,
2. or, in the event it is not wanted, to occupiers of the contiguous properties on either side.

If the land remains unwanted, it will be included in the gardens of the proposed new dwellings.

15.22 The ideal scenario is that each neighbour takes up this offer and the matter is dispensed with that way. However, even if they don't, and if some of the land comes into the ownership of the new dwellings, the restrictions on the land will still leave breathing space.

15.23 Point ii) touches on the physicality of the land, irrespective of ownership. The strip in question will have permitted development rights removed for outbuildings and structures. Where there are trees, these will be protected by condition. There will also be a condition for the spinney that takes away permitted development for fences/walls/enclosures to avoid damage to the trees. Therefore, a *cordon sanitaire* between old and new properties.

15.24 This solution is not ideal, but it represents the best solution to a problem which has arisen as much through expectation as through policy. The matter of the buffer is, therefore, held to be dealt with and will be subject to a condition which will refer to the email of 27th March.

16.0 Conclusion

16.1 In conclusion, this housing proposal complies with the newly adopted policy TJF1 and is seen as an enabling development to allow for the redevelopment of the jam factory and to ensure that Wilkin & Sons remains in Tiptree.

16.2 It is acknowledged that the proposal brings a new, harder, edge to Tiptree which will be visible down the slopes in Tolleshunt Knights. However, given the planting scheme in mitigation, the provision of community facilities such as the dentist site, open space and allotments as well as the retention and creation of jobs which this development would help to secure, the scheme is held to be acceptable.

16.3 The issue of the 'buffer strip' which caused so much concern is deemed to be dealt with and shall be left to post permission condition.

16.4 Members are, therefore, requested to approve this application, subject to the signing of a Section 106 agreement.

17.0 Recommended Reasons for the Decision

17.1 This proposal complies with policies TJF1 and TJF2 and would facilitate the retention of, and possible future increase in, local employment. It would also provide for infrastructure improvements involving works to the Highway, pedestrian and cycle links and open space provision.

18.0 Recommendation

18.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Phasing (as described above)
- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

18.2 On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

19.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby approved shall comply in all respects with drawings P001, 1400-P002, 1400-P003, 1400-P004, 1400-P005, 1400-P006, 1400-P007, 1400-P008, 1400-P009, 1400-P010, 1400-P011, 1400-P012, 1400-P013, 1400-P014 rev A, 1400-P015, 1400-P016, 1400-P017, 1400-P018, 1400-P019, 1400-P020, 1400-P021, 1400-PO23, 1400-P024, 1400-P025, 1400-P026, 1400-P030, 1400-P031, 1400-P101A, 1400-P102, 1400-P103, 1400-P103A, 1400-P104, 1400-P106, 1400-P107, 1400-P110, 1400-P111, 1400-P112, 1400-P200, 1400-P201, 1400-P203, 1400-P204, 1400-P022, 2025/E/2 REV D, 2025/E/3 REV A, 2028/P/1/REV B, 3202-D-C, MCA2411/05, MCA2411/06, MCA2411/07, MCA2411/08, MCA2411/09 and MCA2411/10 as hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning. NB - AMENDED DRAWINGS TO FOLLOW

3 - Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

4 - Limits to Hours of Work

No demolition or construction work shall take outside of the following times:

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

5 - *External Noise

Prior to the commencement of development, a noise survey for proposed residential properties that are in the vicinity of the main road shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

6 - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

7 -Non-Standard Condition/Reason

A 1.8 metre close-boarded fence or wall shall be erected along all boundaries with existing properties and car parking areas.

Reason: In the interests of highway safety.

8 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

9 - Non-Standard Condition/Reason

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

10 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

11 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

12 - Non-Standard Condition/Reason

No development approved by this planning permission shall take place until such time as a detailed scheme for the control of surface water drainage incorporating sustainable drainage principles, has been submitted to, and approved in writing by, the local planning authority.

The detailed surface water drainage design shall accord with the principles of the Main Drainage Strategy and Flood Risk Assessment by D.J. Barton Associates (referenced 2025E and dated November 2012) and shall ensure that the peak rate of discharge arising from the new housing development (including the roads, and all other hardstanding/hard surfaced areas) in addition to the peak rate of discharge arising from the developed areas associated with planning application 130244 is limited to a maximum cumulative allowable discharge rate of 181 litres per second, with all storm volumes up to and including the 1% annual probability design storm (including appropriate allowances for climate change) attenuated in storage facilities provided on the land areas associated with planning application 130244.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is required to:

1. Ensure that the development is in accordance with the policies referred to in paragraphs 100, 102 and 103 of the National Planning Policy Framework.
2. Prevent flooding occurring by ensuring the satisfactory storage of/disposal of surface water from the site.
3. Reduce the risk of flooding to the proposed development and future users.
4. Ensure that the staggered development of individual phases of the wider site development will not give rise to any net increase in the rates of surface water run-off leaving this site either during or after completion of the re-development of the Jam Factory.

13 - Non-Standard Condition/Reason

No occupation of any of the dwellings hereby approved shall take place until the land described as the 'buffer' has been disposed of in a manner which is satisfactory to the Local Planning Authority. This scheme shall comply as far as possible with the email from the applicants to Colchester Borough Council on 27th March 2013, although Colchester Borough Council reserves the right to insist on third party management should the above not be successfully concluded in the case of the land next to Wood View.

Reason: In order to comply with policy TJF1, and because the properties on Wood View are hard against the site where transfer of the buffer to the new dwellings would not be appropriate.

14 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

15 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected within the land allocated as the buffer, either on the development site, or within the curtilage of the existing dwellings.

Reason: For avoidance of doubt as to the scope of this permission and to ensure a meaningful buffer strip in compliance with policy TJF1.

16 - Non-Standard Condition/Reason

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

17 - Residential Code for Sustainable Homes (Part 1 of 2)

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

18 - Residential Code for Sustainable Homes (Part 2 of 2)

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

19 - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

20 - Play Area TBA

Prior to the first occupation of the development hereby permitted, a play area shall have been laid out in full accordance with details that shall have previously been approved, in writing, by the Local Planning Authority, and that area shall be maintained thereafter for use as a play area.

Reason: To ensure that there is adequate play provision available for use from the first occupation of the development and that this is subsequently retained in perpetuity.

21 - *Largescale Development Boundary Treatments

Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and agreed, in writing, by the Local Planning Authority. The boundary treatment shall then be completed in full accordance with the agreed details BEFORE THE FIRST USE OF THE DEVELOPMENT / BEFORE THE FIRST OCCUPATION OF THE DEVELOPMENT / BEFORE EACH INDIVIDUAL DWELLING TO WHICH THE BOUNDARY TREATMENT RELATES IS OCCUPIED / TO A TIMETABLE THAT WILL HAVE ALSO PREVIOUSLY BEEN AGREED, IN WRITING, BY THE LOCAL PLANNING AUTHORITY. The treatments shall be retained in their approved forms at all times thereafter, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the boundary treatments are satisfactory and are situ at the time when they are required in order to achieve a satisfactory development and to avoid any loss of amenity to the neighbouring properties.

22 – ZCA – residential codes for sustainable homes part 1 of 2:

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

23 – ZCB - ZCA – residential codes for sustainable homes part 2 of 2:

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

24 – ZBC – Materials to be Agreed:

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

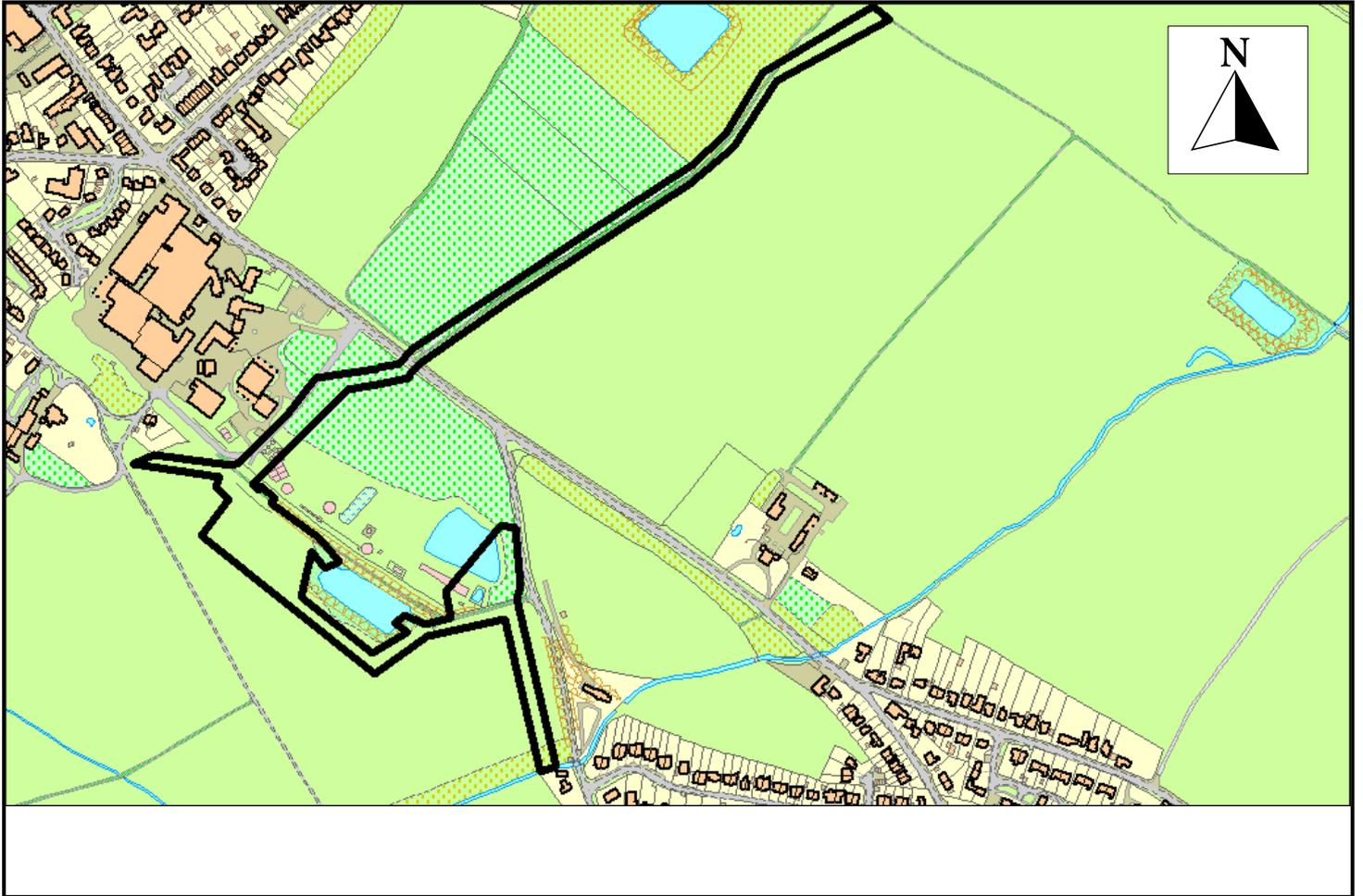
Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

20.0 Informatives

- (1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.
- (4) Your attention is drawn to the comments from the Environment Agency relating to overall sustainability, resource efficiency (including water and waste), net gains for nature, and sustainability energy use, also to the Technical Appendix on Sustainability.
- (5) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- (6) The attention of the applicants, or any future developer of this site, is drawn to condition 13 and the matter relating to the buffer. Any transfer or conveyance of any part of this land does not obviate compliance with this condition.

21.0 Positivity Statement

- 21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. The submitted applications come about following the consultation and Examination in Public of the Tiptree Jam Factory proposals which resulted in the adoption of policies TJF1 and TJF2 which have formed the basis for this, and other associated Planning applications. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 130247

Location: Wilkins & Sons Ltd, Factory Hill, Tiptree, Colchester CO5 0RF

Scale (approx): NOT TO SCALE

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7.4 Case Officer: Mark Russell

Due Date: 07/05/2013

MAJOR

Site: Wilkin And Sons Ltd, Factory Hill, Tiptree, Colchester, CO5 0RF

Application No: 130247

Date Received: 5 February 2013

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons Ltd

Development: Erection of a new private sewage treatment plan and associated service road, storage attenuation reservoir, foul and surface water drainage water drainage network with outfall to Layer Brook to serve 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 proposed residential development.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This proposal is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

2.1 This application is before Committee with companion applications 130243, 130244 and 130245, (these relate to the provision of a new factory, and new housing).

2.2 The key issues explored below cover the background to this application which resulted in Core Strategy Policy TJF1 being adopted in order to facilitate Wilkin & Sons' desire to remain within Tiptree.

2.3 The proposal to erect a new private sewage plant is described in detail and consultation responses are carefully considered. The visual effect of the proposed new building is considered in the context of the economic well-being which the associated factory will enable .

2.4 It is concluded that permission should be granted for this proposal for a sewage treatment plant, in the interests of job retention/creation and the economic well-being of Tiptree and the Borough of Colchester.

3.0 Site Description and Context

- 3.1 The Wilkin & Sons site is on the south-eastern edge of Tiptree, 10 miles south-east of Colchester. The application site for 130247 is currently in agricultural use and planted with fruit trees. To the south and west of the site is the applicants' farmland. To the north west are the existing factory and treatment works.

4.0 Description of the Proposal

- 4.1 Policy background to the proposal is important to understand its significance to Tiptree and the wider Borough.
- 4.2 The Colchester Site Allocations Document adopted in 2010 provides for an additional allocation for housing and open space in Grange Road, Tiptree to meet the housing requirement identified in the Core Strategy. The existing Tiptree Jam Factory site is allocated as an employment policy area together with land to the south-east of it extending to Tudwick Road. The village settlement boundary bisects the existing factory site. The land to the north of Factory Hill is shown as countryside outside of the settlement boundary.
- 4.3 Wilkin and Son submitted a request for allocation of a greenfield site for housing during the initial Regulation 25 stage of consultation on the Site Allocations, but did not submit any supporting evidence concerning the requirement for enabling development. The Council had produced what it considered to be a 'sound' plan and was not in a position to alter allocations unless this was required to make the overall document sound.
- 4.4 The National Planning Policy Framework published on 27 March 2012 seeks to boost significantly the delivery of new homes. At the same time the Localism Act is introducing a new type of development plan, the neighbourhood plan, which enables local communities and businesses to bring forward proposals for development in their areas, which as a minimum must meet Core Strategy requirements but can provide for additional development if there is local community support. This Plan, therefore, was prepared in the context of new Government policy to provide for additional housing development in Tiptree to secure the retention and growth of a significant local employer.
- 4.5 The vision, therefore is that 'the retention and expansion of Wilkin and Sons in Tiptree will promote the sustainable co-location of jobs and houses thereby minimising traffic impacts; support the community through the provision of open space and community facilities; and add to the stock of well-designed and sustainably constructed housing in Tiptree.'

- 4.6 After public consultation, exhibitions and an Examination in Public, the Inspector concluded that the proposed policies in relation to the Tiptree Jam Factory (TJF1 and TJF2) were sound (with some modifications) and the following policy TJF1 was adopted in February 2013:

“The existing Tiptree Jam Factory Site and land to the north of Factory Hill, Tiptree is allocated for residential development to enable the development of a new Jam Factory on a site to the south of the existing Jam Factory. A site is also allocated for 4.5 hectares of open space on land to the north of Factory Hill. A buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing. Design and landscaping features will be needed to maintain separation between the new development and Tolleshunt Knights. A site for a new sewage treatment works will be provided to the west of the new factory site. The development will be required to contribute to infrastructure provision in accordance with the Councils adopted policies. This includes community infrastructure and open space and may include those items mentioned in Table 1 above. The total area of open space proposed in the plan will be expected to be provided in full to meet new community needs in Tiptree and to alleviate visitor pressure on Abberton Reservoir. The provision of affordable housing will reflect the importance of increasing the supply of affordable housing as covered in Core Strategy Policy H4 (Affordable Housing) balanced against viability considerations arising from enabling development.

The allocation of land to the north of Factory Hill for residential development is solely to enable the development of the new Jam Factory on the allocated site and will therefore not be permitted to proceed without the relevant landowner(s) first entering into a legal agreement with the Council to ensure that no residential development can be commenced without a contract being entered into for the construction of the factory and an operational start being made in accordance with Section 56 of the Town and Country Planning Act 1990. “

- 4.7 Accompanying this, policy TJF2 stated:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole: or
Specific policies in that Framework indicate that development should be restricted. “

4.8 The full description of the proposal is ‘erection of a new private sewage treatment plant and associated service road, storage attenuation reservoir, foul and surface water drainage network with outfall to Layer Brook to serve 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 proposed residential development.’

4.9 Currently, the factory is served by its own treatment works the south-east. This plant is described as being not fit for purpose and will need replacing. However, the position of it will have to change as the current location is required to accommodate the new building and associated delivery and parking areas. The applicant states that due to the nature of the waste effluent from the factory, this requires a purpose designed treatment plant

4.10 In detail, the new scheme will work as follows:

Surface Water

- Surface water run-off from the new factory will be taken by a piped gravity system to a new outfall in Layer Brook;
- To ensure that the existing rate of discharge is not exceeded, on-site storage attenuation will need to be provided. This will be achieved with a newly constructed pond (described as “Pond B”) which will be located at the south-eastern end of the new factory;
- Surface water from the residential development will drain by gravity to the existing pond (described as “Pond A”) on the south western edge of the proposed factory site from where it will have an outfall to Layer Brook;

Foul Water

- For the new factory, foul water will drain via a rising main to a new private sewage treatment works located to the west of the factory. From there treated effluent will drain into Layer Brook at a quality that will satisfy the Environment Agency discharge criteria;
- Foul water from the two residential sites will gravitate to a new on-site pumping station located on the south western edge of the existing factory site. From there, effluent will be pumped through an entirely new rising main to the Tiptree Sewage Treatment Works.

5.0 Land Use Allocation

5.1 Agricultural

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling
TJF1 - Tiptree Jam Factory 1
TJF2 - Tiptree Jam Factory 1

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Sustainable Construction
External Materials in New Developments

8.0 Consultations

8.1 Highway Authority: No comments

8.2 Environmental Control: Comments awaited

8.3 DHU: No comments

- 8.4 Environment Agency: “As the proposal is for foul water disposal via a new mains sewer directly to Tiptree STW and the scheme has been agreed with Anglian Water, we have no further comments to make on this application.”
- 8.5 Natural England: No objection – no conditions requested. Informatives on protected species and biodiversity enhancements were suggested.
- 8.6 Anglian Water: Regarding waste-water treatment: “The foul drainage from this development is in the catchment of Tiptree STW that at present has available capacity for these flows.”

Regarding the foul sewerage network: “A connection into the local network would result in an unacceptable risk of flooding due to capacity limitations. Anglian Water has worked with the developer to produce a foul drainage strategy which encompasses a direct connection to Tiptree Sewage Treatment works via an adoptable pumping station and rising main. No connection into the local infrastructure will be made. The drainage strategy for the site should cover the procurement of the improvement works.”

We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.”

Regarding surface water disposal: We request that the agreed strategy is conditioned in the planning approval.

- 8.7 Landscape Conservation: I am satisfied with the landscape content of the proposal subject to the above.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

9.0 Parish Council Response

- 9.1 Tiptree Parish Council considered all the applications at an Extraordinary Meeting of the Parish Council held on Monday 4th March 2013 and commented as follows:

1. The foul and surface water drainage from the 3 development sites will run down to a reservoir that will overflow into Layer Brook. This year it has been reported that there has been excessive standing water in the areas of Tudwick Road and Strawberry Lane caused by the run off from the fields therefore all additional water from the three sites will make the situation worse and create a flood risk. The Parish Council requests that CBC initiate its own Engineering survey to ensure this risk is minimised.
2. The road junction at Factory Hill – Station Road/Chapel Road/Church Road, already causes concern and there have been requests over several years for this junction to be improved by the introduction of a roundabout or traffic lights. This proposed development can only make this situation worse with the prospect of several hundred more cars per day using the junction. There will be an added risk of young children living within the new development having to negotiate this junction when walking to and from school. The Parish Council request that CBC undertake a full assessment of the current and projected use

of this junction should these developments proceed and include any necessary improvements to the junction within the planning consent.

- 9.2 With specific reference to application 130247: 'No objection, subject to points 1 and 2 above being taken into consideration.'

OFFICER'S COMMENT: The matters relating to drainage are to the satisfaction of the Environment Agency. The Highway Authority has asked for a widening of Station Road, but no other works to that part of the Highway network.

10.0 Representations

- 10.1 As of 8th March 2013, four objections had been received. These have covered the following points:

1. Insufficient time to comment;
2. The sewage plant is placed outside of allocated employment land;
3. Evidence of Water Vole presence in the Brook around the Tudwick Road area.
4. The proposal to discharge water from the new sewage plant into Layer Brook in the Tudwick Road area will increase the present flood risk.

- 10.2 This latter point was raised by two parties, including a resident in Maldon District Council who lives close to the brook and has witnessed flooding.

- 10.3 A further objection was received from a resident of Tolleshunt Knights, complaining that he should have been consulted and that the site notices had not been posted in a place where they could be easily read. He also opposed the principle of the development, quoting "fragmentation and degradation of the rural landscape" as well as light and noise pollution amongst others.

OFFICER COMMENT: All relevant properties within the Borough were consulted. As a neighbouring authority, Maldon District Council was consulted, as was the neighbouring parish of Tolleshunt Knights. Individual properties outside of the Borough were not consulted. The notices were placed by your Officer on street furniture at locations where it was safe to do so, and therefore where it is safe to read them.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 No allocated spaces, but room does exist for several vehicles to park on the site.

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered along with all of the Wilkin & Son applications, and it was concluded that that, with all the applications, Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

14.2 These relate to:

- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

14.3 The required Highway improvements (Pedestrian and cycle links, Crossings, Shared foot/cycleways at proposed roundabout etc, Zebra crossing, Continuation of cycleway north of cricket ground to Newbridge Road, Upgrading of bus-stops, Widening of Station Road approach to Factory Hill, Transport information packs) are subject to a separate section 278 agreement with the Highway Authority and are secured by condition.

14.4 In addition to this, the section 106 contains clauses which relate to phasing. This was not discussed by Development Team, but accords with policy TJF1. That part of the section 106 is phrased as follows: *“...not to permit commencement of the development on the Northern Housing Land (i.e. application 130245), unless and until a contract has been entered into to provide for the construction of the New Factory and the construction of the New Factory has commenced on the New Factory Site by the carrying out of a material operation in accordance with Section 56 of the 1990 Act.”*

15.0 Report

Design and Layout

15.1 It is the nature of such an application that the design aesthetics will be in some way limited to the function that the development is there to perform. The layout has already been described in the ‘description of the proposal’ section at 4.0. The complex is to be served by a service road to the north from the new factory. This layout is augmented by planting.

Scale, Height & Massing:

- 15.2 The submitted drawing show an array of eight 'buildings' in the middle and south of the site. This includes two balancing tanks of about five metres in height, two sludge tanks of the same height and a low rate filter whose ridgeline is lower, but which a shallow conical roof taking it also to five metres. Finally, the high rate filter has a ridge height of seven metres, with a conical roof which takes it to over eight metres.
- 15.3 All of the above mentioned are relatively small in area (with the exception of the low rate filter).
- 15.4 Other features making up the proposal are: An inlet screen for factory waste, a splitting chamber, a storm tank, two nutrient systems, a pH system, an inlet screen for domestic waste, six pumping stations, a settling tank, a humus tank, two flow recorders and a control building.

Impact on the Surrounding Area:

- 15.5 The site is currently open country. The jumble of small, functional buildings and other apparatus will to some extent alter this aspect. However, the landscaping strategy (an undulating earth bund, and a belt of native trees as well as under-storey planting) will, the applicants claim 'render it invisible in the wider landscape.'

Impacts on Neighbouring Properties:

- 15.6 There are no identifiable impacts from the built form on residential properties.

Amenity Provisions:

- 15.7 n/a

Highway Issues:

- 15.8 The HA has not raised any issues, so there are no material considerations pertaining to this particular application.

16.0 Conclusion

- 16.1 The proposed foul and surface water drainage is the final piece of the jigsaw to enable the Wilkin & Sons project to go ahead. This raises no issues in terms of residential, rural, Highway or nature considerations and in the interests of job provision and creation within Tiptree, and for the good of the Borough of Colchester as a whole, approval is recommended.

17.0 Recommended Reasons for the Decision

17.1 This proposal complies with policies TJJ1 and TJJ2 and would facilitate the retention of, and possible future increase in, local employment. It would also provide for infrastructure improvements involving works to the Highway, pedestrian and cycle links and open space provision.

18.0 Recommendation

18.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Phasing (as described above)
- 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, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

19.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby approved shall comply in all respects with drawings 1410, 10399-06, 10399-07, 10399-08, 10399-09, 2025-E-2D and 2025/E/3/A, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission, and in the interests of proper Planning.

3 - Non-Standard Condition/Reason

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

4 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

5 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

6 - Earthworks

Prior to the Commencement of development, details of all earthworks shall have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

7 -Retention and Protection of Water Features

Prior to the commencement of development, all aquatic features and associated vegetation on site shall be retained and appropriately protected from physical disturbance or pollution in accordance with details that shall have previously been submitted to and approved, in writing, by the Local Planning Authority. Any agreed scheme shall thereafter be retained in accordance with the approved details during all works on site.

Reason: To safeguard the continuity of amenity and nature conservation value afforded by water and to avoid damage to nearby trees by changes to the water table.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. The submitted applications come about following the consultation and Examination in Public of the Tiptree Jam Factory proposals which resulted in the adoption of policies TJF1 and TJF2 which have formed the basis for this, and other associated Planning applications. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

AMENDMENT SHEET

Planning Committee
11 April 2013

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1/2/3/4 – Wilkin & Sons Ltd., Factory Hill, Tiptree

- 1) Amended drawings have been received (as indicated on the amendment sheet) which cover points raised in the committee report relating to Listed Building and Highway issues.

- 2) The **Highway Authority** has given its formal response (which confirms the matters already covered in the Committee report). This is as follows:

130243: Conditions required that no occupation occur until a roundabout is provided onto Factory Hill and a travel plan is provided. Also, a wheel cleaning facility to be provided prior to and during works.

130244: As above, plus access to the above roundabout, with the addition of:

- A minimum 3 metre wide foot/cycleway along the north side of the Factory Hill carriageway between the roundabout mentioned above and the zebra crossing mentioned below;
- A zebra crossing in Factory Hill;
- A minimum 3 metre wide foot/cycleway along the south side of the Factory Hill carriageway between the zebra crossing mentioned above and Station Road (to include a consistent minimum carriageway width of 6 metres along Factory Hill);
- Widening of the Station Road approach to the Factory Hill/Chapel Road/Church Road junction as shown in principle on the planning application drawings;
- Upgrading of the bus stops serving the proposal site to current ECC specification to include but may not be limited to real time passenger information;
- Transport Information Marketing Packs

130245: As above, plus access to the above roundabout, with the addition of:

- The foot/cyclepath between the proposed residential dwellings and the open space/allotments continued in a northerly direction to Newbridge Road

OFFICER'S COMMENT: This last request will not be deliverable due to the possible effect on Birch Woods.

130247: Condition for a wheel-cleaning facility

NOTE – all of the above (with the exception of the Travel Plan and the widening of Station Road) are to be dealt with by condition, with any other Highway works covered by a section 278 agreement with the Highway Authority. The travel plan will be included in the section 106 agreement.

3) Section 106 clarifications/amendments

- i) 130243 – The recommendation for approval of this specific application is not linked to the Section 106 agreement other than the travel plan, so reference to the agreement (other than that element) is to be removed;
- ii) 130247 – The recommendation for approval of this specific application is not linked to the Section 106 agreement, so reference to the agreement is to be removed;
- iii) Paragraph 14.2 of the Committee report refers to “play equipment provision”, this should instead refer to provision for the Parish Council to receive a *sum of money* (£50,000) to set out and equip the play area;
- iv) The same paragraph also omits the fact that in addition to the 16 affordable units, a commuted sum is also to be provided for Affordable Housing.

4) Employee Housing

The report does not mention the additional ‘employee housing’ which the proposal is offering. Outside of the usual remit of Colchester Borough Council’s own definition of affordable housing, the application is offering 20 units of accommodation (4 x 1-bed, 4 x 2-bed, 12 x 3-bed) at an affordable rent to current and past employees. This provision is detailed within the section 106 and takes the gross total of ‘affordable’ units to 36 all told.

5) Representations

- i) Policy comments: These comments were wrongly omitted from the Committee reports. Policy has supported the applications and its comments read as below:

The planning applications follow in the wake of an adopted Plan (comprising policies TJF1 and TJF2) for the area which was prepared to review the planning policy for the Tiptree Jam Factory and adjoining land. It was prepared in response to a particular local need to enable Wilkin and Sons to build a new factory in Tiptree. The Plan establishes that the primary justification for development of the greenfield land is that its development for residential purposes is required as enabling development to help fund construction of a new factory within Tiptree to avoid the need to relocate the business elsewhere. The Plan also establishes the relevant Local Plan policies that would guide the determination of planning applications for the site. There are accordingly no objections in principle to the applications for the factory and residential developments. The Plan provides, however, that approval for greenfield development needs to be clearly tied to construction of the factory to ensure that residential construction does not occur on its own leading to an unsustainable pattern of out-commuting and the loss of local jobs, and this requirement will need to be reinforced through planning obligations associated with the planning applications.

The Plan provides broad guidelines on other planning requirements and obligations, but the detail of these needs to be secured through the planning application process. Table 1 of the Plan lists required infrastructure improvements to be secured as part of development, which reflects extensive consultation between the developer, the Borough Council and the Parish Council on preferred priorities for improvements. The Plan is vaguer on affordable housing requirements, noting that its provision will reflect the importance of increasing the supply of affordable housing balanced against viability considerations arising from enabling development. It is understood that the affordable housing has been agreed as 16 AH units on site, 20 workers dwellings (at a lower rent) and £670k AH contribution, which reflects earlier discussions. Proportionality of the affordable unit mix in relation to the overall mix of units will also need to be agreed via consultation with the Housing Development Officer.

Policy TJF1 provides that a buffer strip will be required between Chapel Road/Quince Court/Wood View and the new housing. This seemed a fairly straightforward requirement, but it now appears that the issue has become confused by Wilkin and Sons offering to sell portions of garden land to affected properties. Unless every single property owner takes up the offer, this would not achieve the consistency and permanence required for a buffer strip. A comprehensive approach should be taken to protect the amenities of existing residents. This could be secured via condition/106 agreement with a variety of maintenance and ownership arrangements, but the important point is that the preservation of the buffer land shown on the Proposals Map should be guaranteed.

Paragraph 7.7 of the Tiptree Jam Factory Plan identifies the need for a management plan to be developed and agreed for Birch Wood. This does not appear to have been completed to date and needs to be secured through a Section 106 agreement.

OFFICER'S NOTE – This last point is a matter for Tiptree Parish Council to oversee and the s.106 is silent on this point.

- ii) Messing-cum-Inworth Parish Council: has not objected to any of the applications “which will support the development of a respected and trusted local employer” It has, however, voiced concerns that it was not consulted and has raised fears that most construction traffic could pass through its parish. It also voiced a general concern about attendant noise and pollution, and that the B1023 would not be able to cope with the extra traffic from this and other developments.

- iii) Further neighbour comments:

A further representation has been received from a neighbouring property opposing the proposed scheme to dispose of the buffer. A lengthy email from the objector has already been sent to Members and asks that a minimum of 20 metres of space be maintained between the development and existing properties.

OFFICER'S NOTE – This issue has already been covered at length in the Committee report and the recommendation has not changed.

Second Amendment Sheet

1. The Buffer It is proposed that the detailed condition as proposed be replaced and that it be agreed that an appropriate mechanism be put in place to cover this issue.

2. Clarification of s.106 issues

i) The £670,000 mentioned in Spatial Policy's response is to cover Highway improvements (bus stops and widening of Station Road) as well as a contribution to the affordable housing pot.

ii) The submission of the travel plan is to be covered by condition, but its *monitoring* is to be covered by the s.106 agreement.

iii) Regarding the required woodland management plan, the applicants have reaffirmed that there is an approved Woodland Management Plan and the Sec 106 makes it clear that the Parish Council have to maintain the woodland in accordance with that plan.

iv) Regarding the workers' dwellings referred to, the applicants have advised that the unit types may be subject to some small amount of change, and that these units should be referred to as being at 'reduced rent' rather than 'affordable rent.'

3. Conditions

i) An additional condition should be added to application 130243 to state that the factory shall not be used until the required sewage works are in place.

ii) Conditions relating to required Highway works should state '...to the satisfaction of the Local Planning' rather than the Highway Authority, as this application is being dealt with by Colchester Borough Council rather than that body.

iii) Condition 3 of 130247 should be re-iterated on application 130244/5.

iv) The conditions relating to the residential code for sustainable homes have been wrongly duplicated. The decision notice will delete the superfluous conditions.

v) The SUDS conditions will require some minor re-wording.

4. The Environment Agency comments at paragraph 8.5 of application 130245 refer to 'outline Planning permission' whereas it should state 'full' for the housing applications.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes, sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.