

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
25 June 2009 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

10. Amendment Sheet

113 - 117

AMENDMENT SHEET

Planning Committee
25 June 2009

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

- 7.1 090468 - 1-5 Culver Walk, 77-85 Culver Street East, Colchester
- 1) Amendment to paragraph 8.12 – It is possible that there may be glimpses of the new building from the upper end of Long Wyre Street, although these would be negligible from street level.
 - 2) By way of clarification, the higher-level white/off white materials behind the Lucams are to be render and not glass. The submitted drawings do not clearly annotate this.
 - 3) A late objection has been received from a resident of John Lampon Court stating that the changes are unnecessary, and that the new materials could fall off and hurt people, especially as the area is subject to turbulence. He has also stated that it would be better to have a covered area to house the market, claiming that the market is currently “The worst in the world.”

Whilst these comments are noted, the possibility of falling materials is a public liability one for the developer. The comments about the market are also noted, but are not the subject of this application. The issue of the market is a live one, and your Officers are constantly striving to achieve a solution to this.

- 7.2 090217 – Land adjacent (South) Grange Road, Tiptree

Members are advised that:

- **Both Essex Wildlife Trust and The Ramblers have withdrawn their objections to the proposals.**
- **An objection has been received on behalf of the British Horse Society which expresses concern over the impact of the use on riders using an adjacent public bridleway, along Pennsylvania Lane.**
- **It is recommended that if Members accept the recommendation of approval additional conditions should be imposed that deal with the following issues – restriction of the use of the training pitches to Colchester United and a restriction on the use of the training pitches to a maximum of two at any time. Furthermore**

it is proposed that conditions should cover a construction management plan, land contamination, landscape matters (specifically incorporating measures identified by the Council's Tree Officer).

- Go – East has advised that the application does not need to be referred to it if Members are minded to accept the recommendation of approval. On this basis the recommendation is revised to read:

'Permission - subject to the following conditions'

Following further liaison between the Applicant's Agent and the Highway Authority the Authority has advised that proposed conditions 19, 20 and 21 can be reworded to require the works *prior to the commencement of the use* as opposed to commencement of any works. If Members accept the recommendation the wording of the conditions would be amended to reflect this revision.

7.5 082055 – MarksTey Railway Station, Station Road, Marks Tey

Deferred by Head of Environmental, Protective and Planning Services to permit consideration of further information submitted by the applicants in order that members have what the applicants believe to be all relevant information before them.

Members of the Planning Committee should have received a letter from the agent which is reproduced as follows:

"We take the somewhat unusual step of writing to all Members of the Planning Committee and Chief Officers of the Council on behalf of our clients, National Express East Anglia and Network Rail, concerning the above planning application to extend the car park on the north side of Marks Tey Station by 150 spaces (plan attached). We understand the planning application is scheduled to be considered by the Planning Committee on 25 June 2009 and that two reasons have been put forward for refusal, namely impact on residential amenity and the demand for the facility. In these circumstances we formally request that the application be deferred to allow time for all the parties to consider the matter further. We set out below a brief synopsis of the progress of the project and the impasse that has been reached.

This project was commenced over two years ago and the first meeting with Officers of the Council took place on 4 June 2007 at which the initial design was discussed. This located the car parking at a point furthest away from the existing residential properties. A traffic impact assessment was undertaken following consultation with your Council, County Highways and the Highways Agency. A planning application (Ref 072690) was submitted on 25 October 2007. This proposed all vehicles would use the existing access and improvements were proposed at the junction of the car park entrance with North Lane. The County Council was concerned at the use of the existing access although there were no recorded accidents at this junction. Its concern related to poor visibility over the narrow bridge. A number of solutions were promoted including the installation of traffic signals. However, the County would accept no increase in traffic at this junction. The application was subsequently withdrawn on 28 May 2008 having exhausted all options for the existing access. The County Highways Officer did however provide support for the current agricultural access as an egress for the car park between Nos. 17 and 19 North Lane. This was to be used as an exit for all cars allowing the existing access for ingress only. The right of access for the new egress was acquired by Network Rail as part of the extension land many years ago.

Further pre-application discussions took place and a solution to use the new exit road was agreed with County Highways. A planning application was submitted (Ref 082055) and this is the application currently before the Council. Officers of the Council sought clarification on a number of points and requested a noise impact assessment of the new access and advice on possible mitigation measures. Noise consultants were instructed to assess the potential impact of the access road on residential properties. The consultants had reference to all Government and other guidance on such matters. For the daytime period 7.00am to 11.00pm (as defined by PPG24) their conclusion was that:

“...the predicted level of road traffic noise would have a negligible impact on residents neighbouring the exit road” (Para 4.1.6 of Report)

However, for the period 11.00pm to 7.00am there could be a significant noise impact based on assessment without mitigation. Acoustic fencing and additional landscaping could be introduced to lessen the impact but the overall noise impact after 11.00pm would not meet PPG24 requirements. Therefore, the noise consultants recommended that the new egress be closed at 11.00pm and that any remaining vehicles exit the existing access. This would deal with the remaining 10 cars or so in the car park after this time. We suggested to your officers and the County that a condition or legal agreement could provide the necessary

safeguard to ensure access would be prevented from the egress after 10.30pm – this time was considered to give an extra traffic-free period of 30 minutes for residents. The egress would have barriers and warning signs about the closure time to ensure compliance.

In terms of demand considerable evidence has been provided to the Council to justify the capacity required for expanded rail travel to 2021 and beyond. In all the other 14 projects to expand car parking at stations in the East of England this has been accepted by the relevant local authorities. This proposed car park at Marks Tey will serve the towns and villages east and west of the A12 and the southern parts of Colchester. The demand is already evidenced by the unauthorised car park off Station Road which provides around 62 spaces. This car park meets no health and safety requirements and comprises an unprepared surface on sloping land. We do not understand why the Council has not taken enforcement action over the years to remove this car park unless of course it is in part recognition of the need for parking at the Station. Notwithstanding this unauthorised area, an additional 150 spaces are required to meet future needs.

Clearly, we find ourselves at an impasse at this time. There are no other sites available for parking or access solutions. County Highways will accept no increase in traffic at the existing access despite a number of proposals for highway alterations to improve safety for pedestrians and vehicles. Your Council's officers consider the new egress to be unacceptable because of impact on residential amenity. We have promoted both physical improvements and time controls to safeguard residential amenity. It is really a question of a decision based on public benefit against private interests as with all planning decisions.

The proposal is a sustainable solution for long journeys. The failure to permit an extension for parking will inevitably result in more on-street car parking in the area and unauthorised use of small areas of land. The demand for car parking will not go away simply because the proposal is refused. Clearly, if the Council consider that the car park expansion is not required then this must cast doubt on the investment in any rail related infrastructure for the area. In the current economic climate further investment in Marks Tey Station would not be required if passenger numbers were not allowed to increase from the Station. At present some £2 – 3 million is proposed for improvements at Marks Tey based on the business case of expanding passenger numbers including the car park extension.

The expansion of facilities at Marks Tey is too important to be allowed to fail and the consequences too great for the future of the whole community. We therefore respectfully request the application be deferred from the next Planning Committee and that a high level meeting be held to resolve this situation.”

Officer comments: Members are asked to note the request for deferral of this item in order to allow time for further Officer discussion. The item is not to be withdrawn from the agenda and Members will carry out a site visit and consider the item at the meeting in their normal way. However, Members should be aware that a meeting has been arranged for the 30th June between the Applicants and Planning and Highways officers and chaired by Executive Director Ian Vipond.

7.7 090499 – Highwoods Square, Colchester

Application has been withdrawn by the applicant.

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SUPPLEMENTARY AGENDA

Part B

Pages

There are no Section B Items