

Planning Committee

Thursday, 14 March 2019

Attendees: Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor Julie Young (for Councillor Chris Pearson)

Also Present:

673 Site Visits

Councillors Hazell, Higgins, Jarvis, Liddy, Loveland and Maclean attended the site visits.

674 Minutes

There were no minutes for confirmation at this meeting.

675 181930 Former Essex County Council Highways Depot, Station Road, Marks Tey, Colchester

The Committee considered a planning application for the demolition of the old railway units located within Marks Tey Station car park and a change of use of land as car parking with associated infrastructure at the former Essex County Council Highways Depot, Station Road, Marks Tey, Colchester. The application had been referred to the Committee because it was a major application to which objections had been received. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations. The Senior Planning officer explained that, since the publication of the amendment sheet, three additional letters of objection had been received from residents which had raised no additional material issues not already addressed. He also referred to comments from Marks Tey Parish Council raising concerns regarding the inaccuracy of plans, confusion with the detail of the proposal and a lack of consultation on the revised plans. He confirmed that a re-consultation exercise had been undertaken in October when the proposals had been revised.

Allan Walker, on behalf of Marks Tey Parish Council, addressed the Committee pursuant

to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He requested deferral of the application to enable additional consultation to be undertaken on the implications of the proposals. He commented that the large site was outside the village envelope and therefore constituted a significant encroachment and he considered this set a dangerous precedent which may frustrate the objectives of the emerging Local Plan. He considered the reference to the former Highways Depot as the location of the application was confusing as this Depot was situated on the other side of the railway line. He explained that the application drawing only illustrated the demolition area and not the bigger site proposed for additional parking. He was aware that this confusion had been raised with the applicant by planning officers and recommended that the additional parking proposal be excluded from the application. However this had been after most representations to the application had been submitted and there had been no clear indication on the Council's website to clarify the extent of the application until a week previously. He considered objections could be made to the application on traffic grounds but was of the view further clarification and consultation was needed. He did not consider that the proposal would alleviate existing parking problems in Marks Tey and Copford.

Chris Heather addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He welcomed the thorough presentation by the planning officer. He referred to the need for additional car parking at the railway station and the sustainable transport opportunity which the application proposed. He referred to additional cycle parking and disabled parking spaces. He acknowledged that the extension to the car park would be outside the settlement boundary, as was the station and the existing car park. He explained the growing number of passengers wishing to use the station which was forecast to continue and the proposal for additional parking was intended to address this demand. Although separate to the application, he also explained that the applicant was hopeful of securing more funding to improve disabled access across the site generally. Whilst this was yet to be approved it had received support from several Members of Parliament, Essex and Suffolk County Councils and Essex and Suffolk Chambers of Commerce.

One member of the Committee considered the application to be premature given the current status of the emerging Local Plan and lack of information about wider parking provision in the vicinity of Marks Tey station. Comments from the Parish Council regarding confusion about the extent of the application were acknowledged and concern was expressed and further clarification sought about the absence of evidence of need, the impact of the Garden Community proposals, the narrow access road to the station car park, planned maintenance work to the railway bridge, the over capacity of the adjacent road junction, the timescale for the implementation of the proposals, confirmation regarding the agricultural status of the proposed car park extension, the adequacy of the screening proposals, the need for commuter parking in Copford to be addressed and why financial obligations had not been deemed appropriate to mitigate the development.

Another member of the Committee referred to the need to encourage sustainable transport solutions and was of the view that the benefits of the proposals, including additional cycle, car and disabled parking spaces, outweighed the danger of development outside the village envelope. It was acknowledged that the investment from Network Rail had come forward due to the level of use of the station and, as such, the provision of space to accommodate this use was to be welcomed. Reference was, however, made to vehicle pollution and the need for the proposed conditions to provide for planting along the perimeter to be capable of absorption of pollution in order to alleviate the associated environmental damage caused.

Other Committee members referred to the potential to use less land space through the encouragement of multi-storey car park solutions. Further comment was made concerning photographic evidence suggesting the recent use of the land for agricultural purposes and the need for increasing numbers of cars to be accommodated at transport hubs was acknowledged. Reference was also made to the outstanding information awaited by Highways England regarding impact on the A12 and A120 and the road network, further information on the proposed drainage system, the introduction of traffic restrictions on neighbouring roads or the creation of incentives to encourage commuters to use designated parking areas and the need for disabled access improvements across the whole station site. As such, the request from Marks Tey Parish Council to defer the application was supported.

The Senior Planning Officer confirmed there had been re-consultation of the application in October 2018 and was unsure why the confusion regarding the extent of the application had arisen. He acknowledged the site was outside the village envelope but it was not considered to be a departure from the Local Plan policy and he confirmed that the Local Plan team had been confirmed that the application was not considered to be premature. He acknowledged that incomplete drawings had been submitted with the original application but revised drawings had recently been circulated and his understanding was that the revised plans had been published on the Council's website since October 2018. He acknowledged that more information was required on highways and drainage matters but he had been of the view that the application could be determined by the Committee subject to these matters being concluded satisfactorily. He confirmed that no financial obligations to mitigate the application had been considered necessary by the Development Team and that the land was of agricultural status, although not currently used as such. He confirmed that the suggestion to mitigate environmental pollution through appropriate planting could be accommodated by means of condition. He agreed with the benefits of multi-storey car parking in urban locations but was of the view that in semi-rural locations, such as the application site, there may be a negative visual impact. He was also of the view that, if the Committee considered it preferable to defer the determination of the application to enable additional information on highways, drainage and disability access to be submitted, this would be acceptable.

Committee members made further comments in relation to the narrow width of the railway bridge, the impact of additional traffic on the A12 / A120 roundabout, that the comments regarding confusion about the full extent of the application appeared to be genuinely made, the inclusion of renewable energy solutions such as electric charging points for vehicles and solar panels within the car park proposals and the wider implications of potential future development in the area.

RESOLVED (UNANIMOUSLY) that the application be deferred to allow for the resolution of matters raised by Highways England and Essex County Council Sustainable Drainage Solution team and the submission of further information in relation to disabled access generally across the whole station site, the need for parking restrictions on neighbouring roads and the potential for renewable energy solutions such as electric charging points for vehicles and solar panels.

676 180874 The Langenhoe Lion, Mersea Road, Langenhoe, Colchester

The Committee considered a planning application for the demolition of the former public house and erection of four dwellings and car parking at the Langenhoe Lion, Mersea Road, Langenhoe, Colchester. The application had been referred to the Committee following its deferral from a previous meeting to allow the potential for a community space on the site to be explored. It was explained that Abberton Parish Council had submitted a business plan for a community shop on the ground floor of one of the proposed four dwellings and the applicant's agent had indicated that there could be potential for the scheme to be viable. Accordingly, draft layout plans had been submitted and a re-consultation had been commenced.

Chris Harden, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that meetings had taken place between the applicant and the Parish Council and that the proposals for a community shop were being progressed. He explained that the applicant was keen to start the development without further delay and asked for the Committee to delegate authority to officers to approve the application following the expiry of the consultation period in anticipation there would be no further objections. In addition, whilst he was hopeful that the retail use would be successful, he also sought clarification regarding the ability of the applicant to return the shop to a residential unit without the need to undertake a further protracted marketing exercise, should the community shop fail in the future.

Councillor Davidson attended and, with the consent of the Chairman, addressed the Committee. He supported the views expressed by the speaker and thanked the Committee members for their support for the potential for a community shop. He also

confirmed that the Parish Council had met with the planning officers and the developer on numerous occasions and a satisfactory agreement had been reached. He considered there was strong demand for the community shop. He questioned the description of the application on the Council's website which had not been updated to reflect the inclusion of the shop unit and considered it needed to be amended to refer to both residential and retail. He indicated his support for the suggestion made to revert the shop unit to residential, should the retail use fail in the future, whilst also referring to the 94% success rate of the Plunkett Foundation, an organisation which supported such community uses. He asked whether a condition could be added to indicate any further marketing of the site would not be required. He also stated that the co-operation of the developer had been much appreciated.

Members of the Committee welcomed the revised proposals for a shop unit and asked whether there was scope to remove the need for future marketing of the site should the retail venture fail in the future. Clarification was also sought in relation to the updating of the description of the application on the Council's website.

The Development Manager confirmed that any future proposal to return the retail unit to residential use would require the submission of a new planning application and, as such, it would not be possible for the Committee to impose a condition on the current application providing for no future marketing of the site as this would constitute the pre-determination of a planning application. He confirmed that the Committee's scope extended only to an acknowledgement of support for this approach in the record of the meeting.

The Senior Planning Officer confirmed that arrangements would be made for the application description on the Council's website to refer to both retail and residential use of the site. He also confirmed that the Committee could opt to delegate authority to officers to approve the application following the expiry of the period for consultation, subject to the receipt of no further objections and he was of the view that it would be unreasonable to require the developer to undertake any further marketing of the site should the retail use fail in the future.

The Development Manager confirmed that, should the Committee wish to delegate authority to officers to approve the application, this would need to include the imposition of appropriate conditions, such as the hours of operation and the detailing of shop fronts.

RESOLVED (UNANIMOUSLY) that –

- (i) Authority be delegated to the Assistant Director Policy and Corporate to approve the revised scheme incorporating a ground floor shop unit, together with the imposition of appropriate conditions.
- (ii) In respect of the consideration of any subsequent planning application, in the

event of the failure of the shop unit in the future, the Committee's view that the requirement to undertake any further marketing exercise of the site by the developer would be unreasonable be noted.

677 190266 Sir Isaacs Walk, Colchester

The Committee considered a planning application and listed building consent for the installation of fixing points on 20 buildings throughout the street. Installation of catenary cables between each fixings to create the foundations for the umbrella street. Further catenary cables complete with umbrellas would then be installed between the catenary cables. Once installed there will be a 5.7m clearance from the floor to the lowest point of the umbrella to ensure the installation conforms to highways regulations at Sir Isaac's Walk, Colchester. The application had been referred to the Committee because the applicant was a project promoted by Colchester Borough Council. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that, the planning application and listed building consent be approved subject to the conditions set out in the report.

678 183133 Colchester Crematorium, Mersea Road, Colchester

The Committee considered a planning application for the Widening of existing entrance, part removal of existing boundary walls and provision of new gates and railings repositioned to fit revised entrance. Also the introduction of electrical gate opening system – all for the purposes of Health and Safety at Colchester Crematorium, Mersea Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all information was set out.

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