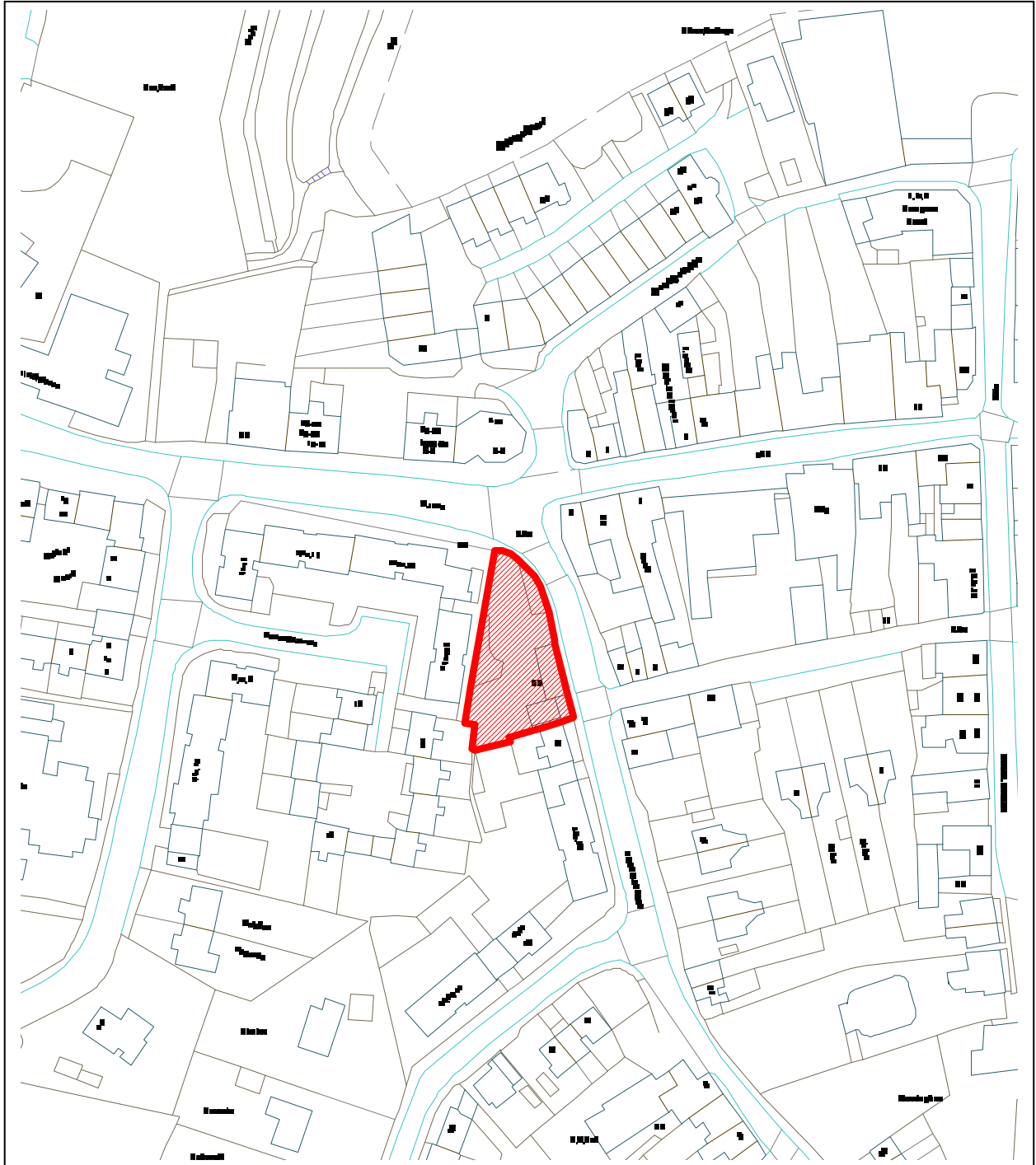


PLANNING COMMITTEE

3 APRIL 2012

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.3 PLANNING APPLICATION - 12/00092/FUL - THE MARKET PLACE, BROOK STREET, MANNINGTREE, ESSEX, CO11 1DJ



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Application:	12/00092/FUL	Town / Parish: Manningtree Town Council
Applicant:	Tendring District Council - Mr Ian Taylor	
Address:	The Market Place, Brook Street, Manningtree, CO11 1DJ	
Development:	Change of use from a designated market site only to a free public car park on days when the market is not operational.	

1. Executive Summary

- 1.1 This application is before Members as Tendring District Council is both the applicant and land owner.
- 1.2 The scheme involves the change of use from a designated market site (only) to a free (time limited) public car park for use when the market is not operational.
- 1.3 Such a use will not result in any significant impact upon any area of acknowledged importance and therefore is consistent with the Development Plan.

Recommendation: Approve

Conditions:

- **Standard Time Limit (3 years)**
- **Approved Plans**

Reason for Approval:

Having regard to the pattern of existing development in the area and the relevant provisions of the development plan, it is considered that the proposed development would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

2. Planning Policy

National Policy:

- PPS1 Delivering Sustainable Development
- PPS5 Planning for the Historic Environment
- PPG13 Transport

Regional Planning Policy:

East of England Plan (2008)

- ENV6 The Historic Environment

ENV7 Quality in the Built Environment

T14 Parking

Local Plan Policy:

Tendring District Local Plan (2007)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

TR1a Development Affect Highways

TR8 Public Car Parking

COM1 Access for All

COM2 Community Safety

COM22 Noise Pollution

Core Strategy and Development Policies Proposed Submission Draft (2010)

DP1PS Design of New Development

DP7PS Development in Conservation Areas

Other guidance:

Essex County Council Parking Standards (2009)

Manningtree and Mistley Conservation Area Management Plan (2010)

3. Relevant Planning History

1976 – Residential Development (Iron Works site) (817/76 refers) – Approved.

1977 – Residential Development (Amended Proposal) (383/77 refers) – Approval.

1977 – Proposed market area for markets to be held on two days a week to replace existing market which will be redeveloped for housing purposes (690/77 refers) – Approved

1981 – Proposed toilet block (1205/81 refers) - Approved

1999 – Change of use of market to public car park on non-market days (99/00821/FUL refers) – Withdrawn.

4. Consultations

TDC Head of Public Experience – No observations to make on this application which are specific to the change of use to a free public car park.

Manningtree Town Council – Object on the following (summarised) grounds:

- Violation of Conservation Area – Area is spoiled when cluttered with vehicles. Described as ‘ugly’ by residents at such times. This is likely to have an impact on tourists and residents who currently enjoy the open space from the seating areas.
- Loss of residential amenity – Residents would be seriously disadvantaged if they were to lose this valuable amenity.
- Lack of need – Proposed spaces pale into insignificance taking into account:
 - Manningtree Town Council is in process of providing a dozen time-restricted parking spaces in Quay Street specifically for the convenience of shoppers;
 - Tesco development will provide an additional 245 public car spaces and their car park was deliberately moved closer to allow shoppers easy access into town centre, and
 - The market place would be unavailable for car parking on Friday’s and Saturday’s due to the weekly market which are the busiest days of the week yet visitors always manage to find parking elsewhere.
- Unsuitability – Too small to be effective. Already surface damage following trial period. Surface not suitable for car parking.
- Safety – Visitors to pond will be seriously compromised by vehicles manoeuvring. Since parking introduced very few parents with pushchairs have visited the pond.
- Nuisance – Market Place is surrounded by residences who suffer huge disturbance from as early as 4am with bollards being moved, vehicle noise and pollution.
- Covenant – Our legal advisors confirm that the Deed of Covenant gives permanent and irrevocable protection of the market place against any development or use other than open space.
- TDC Trial – TDC have continued to open the market place for parking beyond the 28 day trial period when we had expected parking to cease and receive a report from TDC for further consultation. Manningtree Town Council is deeply troubled at this lack of respect for the consultation process.

ECC Highways –

ECC Highways objected to the originally submitted proposals as the plans failed to provide parking spaces with dimensions in accordance with current parking standards.

The plans have since been revised to take account of this objection and they have been the subject of further consultation with ECC Highways. The response to these latest plans is as follows:

The Highway Authority has examined the amended proposal and raises no objection as submitted.

5. Representations

5.1 A total of 10 objections have been received as a result of the statutory publicity exercise following receipt of the application. The following summarised issues are raised in opposition to the proposals:

- Detrimental to the environment;
- Number of shoppers is negligible in relation to loss of open space and increased litter;
- Free parking in Quay Street is more effective;
- Affect the market;
- Gates are ugly and restrict access;
- Amenity loss;
- Affects access to fish pond;
- Highway safety concerns;
- Alternative schemes should be considered first;
- No need for additional parking;
- Site is within a conservation area;
- Unsustainable development;
- Disappointed by the aggressive manner of TDC;
- TDC formerly opposed such a use;
- Will be used by people who work in Manningtree;
- Tesco development will provide parking;
- Market square should be allocated for people, not cars;
- Application demonstrates a lack of vision and continued failure of TDC to develop area;
- Council has already made its mind up;
- Queries whether a survey has been undertaken;
- Should be developed into a community area;
- Metal bollards clatter and loud music played from car park, and
- Surface not fit for purpose.

6. Assessment

The main planning considerations are:

- Highway Considerations;
- Amenity Considerations; and,
- Impact on the Conservation Area and Loss of Open Space.

Members are advised that the existence of a covenant is not a planning consideration and that it does not prevent the grant of a planning permission. This issue needs to be dealt with outside of the planning process.

Context

- 6.1 The application site is situated to the northern end of Brook Street where it meets the B1352 (Station Road). The site currently supports a public convenience building and a raised ornamental fountain and pond. The site is enclosed by cast iron bollards. Residential flats are located immediately west of the site with the town centre lying to the east.
- 6.2 This application seeks permission for a change of use from a designated market site only to a public car park on days when the market is not operational. A new vehicular access onto Brook Street will provide access/egress to the site. The existing access from the junction with Station Road will remain for market trader entry only and secured by locking posts on non-market days. 'Classic Manchester' bollards are proposed to protect the fountain and W.C. entrance. The car parking bays are to be marked out using paint or thermoplastic and result in a total of 10 no. spaces (including 1 no. disabled persons parking space). A new car park sign will be provided at the new entrance.
- 6.3 The applicant has submitted supporting comments in response to the concerns expressed by Manningtree Town Council.

6.4 In summary the supporting information advises that:

- The aim is to make Manningtree town centre much more accessible for people to visit the shops, restaurants, pubs, etc.;
- The site is used for market operations Friday and Saturday year round;
- *The Covenant* - A search of the Council's deeds registry confirms that this Council covenanted with the Parish Council in 1978 that "no part of the pond site shall be used for building purposes and that the said pond shall forever remain as an open space and the water from the stream feeding the pond be used by the District Council as a new water feature". This covenant was entered into by the District Council in consideration of the Parish Council relinquishing the previous covenant that protected the village pond site as a pond, ornamental water garden or other similar landscape water feature. The land was owned by the Council, sold to Essex CC and then from ECC to TDC. The covenants were all made during the conveyances for the transfer of the land. Using this site for car parking without the consent of the Parish or Town Council could expose this Council to the risk of being served with an injunction and costs awarded. However, it may be a matter of interpretation as to what constitutes "open space" and there are some issues which could be further investigated regarding why building such as the toilet block and the operation of the market was agreed in spite of the covenant. If the Parish Council agreed to this it may negate objections to car parking on the basis of the covenant.
- *Survey of Local Businesses* - The Executive Leader of Tendring District Council suggested that a questionnaire should be sent to Manningtree Town Council and all the shops, pubs, businesses, etc. in Manningtree. The following action was agreed.
 - a. Advise Ward Members of the survey.
 - b. Advise Town Council of the outline process.
 - c. Send letters to businesses.
 - d. Advise Town Council of results and whether or not TDC wishes to undertake the trial.

The results of the survey with businesses were conclusively in favour of using the market place for car parking. 61 responses were received to the 85 letters sent to businesses on 17 October 2011. The detail is attached but in summary the responses were:

Good for business	55/61 agree = 90% of those who responded
Good for town	46/61 agree = 75% of those who responded
Good for business	55/85 agree = 65% of total asked
Good for town	46/85 agree = 54% of total asked

Current Position

- The market site at Manningtree has been used for car parking on a trial basis for up to 28 days. The site has proved to be very popular with motorists and local businesses.
- The District Council considered that in view of the need to support local businesses and the popularity of the market site for parking during the trial period that a planning application should be submitted seeking a change of use of this site to enable car parking.

- The District Council is aware of the fact that a number of concerns or needs may be highlighted during the planning application process. However, the District Council is of the opinion that parking is at a premium in this area and that daytime and evening off street parking in this location close to local shops and restaurants will provide an important boost for local business.
- The District Council has investigated the letter received by Manningtree Town Council objecting to the planning application for car parking.

Conservation Area - The market square has been used up to 2 days a week for many years for vehicles as part of the market. The current additional car parking days have proved very popular.

Residential Amenity - The open space has been restricted for market day operations. The pond and seating remain available for public use even with the car parking.

Need - The car parking has been very popular and is strongly supported by local businesses.

Unsuitability - The surface is currently withstanding car parking well. Engineers have recently inspected and there is no sign of wear or damage to the pond wall. However, the District Council is aware of possible further work which may be required in future.

Safety - The safety of pedestrians and visitors can be managed as in any car park or area with vehicle access.

Nuisance - The proposals for the car park include a new entrance and gate which will be opened and closed at agreed times and should not present noise problems.

Highway Considerations

- 6.5 Essex County Council objected to original plans for 11 no. spaces on the grounds that some of the spaces fail to meet the required dimensions, as detailed within the Council's adopted Parking Standards. Further to this a revised layout has been received for 10 no. spaces.
- 6.6 It is your officers' view that the revised layout appears to accord with the adopted parking standards and therefore are acceptable in dimension and layout. ECC Highways have been consulted further and their comments are that they have no objection to the amended proposal.

Amenity Considerations

- 6.5 Concern has been expressed that the proposals will result in harm to the amenities of nearby residents.
- 6.6 It is proposed to open the new access gates between 0630 – 0700hrs and close them at 1830hrs on Thursdays (in winter) and 2100hrs (in summer). This will ensure that no cars are on the site for the market on Friday and Saturday.
- 6.7 The gates will result in a quieter operation than the current removal of the cast iron bollards.

- 6.8 Given the limited amount of parking to be provided it is not considered that the use of the site for car parking will result in any significant adverse affect on the residential amenity of nearby occupants of Bendalls Court or the surrounding area. The Council's Department of Public Experience has been consulted and have raised no objection to the proposed change of use.

Impact on Conservation Area and Loss of Open Space

- 6.9 The site is not identified as protected open space by the adopted local plan but it represents an amenity feature in the streetscene. The Manningtree and Mistley Conservation Area Management Plan recognises that the Conservation Area is not particularly endowed with open spaces in the urban areas but that certain elements, like the old and modern market places, do make a positive contribution to the Conservation Area. The Plan recommends that future enhancements to the modern market place should consider surface maintenance that takes account of surviving historic materials and to enhance these wherever possible. Having taken these issues into account, it is not considered that the proposals will materially affect the character or appearance of the conservation area or result in the loss of open space as, whilst the openness of the site would be temporarily eroded through the use of car parking, this would largely be seen against the backdrop of existing development and the current market operations. In addition, such a use would not result in any permanent physical features, which would be considered harmful to visual amenity. Accordingly the wider interests of the conservation area would not be affected.

Background Papers.

None.