



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.1

Application: 181930

Applicant: Mr Marek Dowejko

Agent: Mr Alistair Kelly, SHW

Proposal: 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 .

Location: Former Ecc Highways Depot, Station Road, Marks Tey, Colchester, CO6 1EE

Ward: Marks Tey & Layer

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because this application is a Major item and objections have been received

2.0 Synopsis

- 2.1 The key issues for consideration are the principal of the development, landscape impact, highway safety issues, impact upon residential amenity, trees and vegetation, historic assets and wildlife.
- 2.2 The application is subsequently recommended for approval. It is considered that, the proposed car park is acceptable in principle and represents sustainable development in accordance with National and Local Plan Policy. It is considered that the need for it has been demonstrated and that, subject to landscaping conditions this is an appropriate position for it, including in terms of impact upon the character of the landscape. It is not considered there would be significant impact upon highway safety, neighbouring residential amenity, trees and vegetation, historic assets or wildlife. Contaminated land conditions can be applied.

3.0 Site Description and Context

- 3.1 Marks Tey Railway Station is on the Great Eastern Main Line serving Marks Tey, and the surrounding areas within Essex and Suffolk. The sites for this Planning Application are the car parks (North and South) at Marks Tey Station, including former railway buildings. The overall site area is split into two car parks, with the north car park and the south.

4.0 Description of the Proposal

- 4.1 The application is for the demolition of the old railway units located within Marks Tey Station car park and a change of use of land to car parking with associated infrastructure at land opposite Marks Tey Station. The proposal involves the expansion of the car park to the north of the railway line to provide a net increase of 195 car parking spaces, resulting in a proposed gross number of spaces to 363 in this car park.
- 4.2 The following documents were submitted with the application: Site Clearance plans, Arboriculture Report, Archaeology Report Ecology Report Flood Risk Assessment, Heritage Assessment, Landscape and Visual Impact Assessment, Lighting Assessment, Topographical and Utility Mapping, Transport Statement.

4.3 In support of the application, the agent makes the following points:

- The additional spaces proposed are required to accommodate the existing parking demand and need; the additional parking demand / need that is expected to be generated in the future following the implementation by Greater Anglia of committed infrastructure improvements at the station by the end of 2019; and the forecast increase in passenger numbers at the station over the next 15 years as a result of the Local Plan housing growth.
- The proposed car park expansion will enable more passengers to use Marks Tey station. Although the passengers would be arriving via car the intention is that more would be using the sustainable public transport (train) and avoiding taking their cars into the centres. With Mark's Tey having direct access to Colchester, Chelmsford, Stratford and London Liverpool Street this should be seen as a substantial benefit.
- The northern car park will be expanded in two areas. (i) the existing buildings situated in the east of the site will be demolished and replaced with 46 standard parking bays and 20 accessible bays. The accessible bays would be located close to the crossing access to the station. (ii) extension to the north to provide an additional 154 standard bays. In addition to this a pedestrian and cycle route would be provided to connect the car park extension to the existing parking area. In total 100 additional cycle spaces would be provided within the extended car park in the form of a large two-tier cycle rack.
- The staff parking would be formalised to provide 8 car parking bays which would front directly onto the access road from North Lane. The existing 2 staff parking bays located within the main car park area would be retained.

Description	Total
Standard Bays	328 (+183)
Accessible Bays	25(+16)
Ironing Service Bays	0(-4)
Staff Bays	10 (No Change)
Total	363 (+195)

5.0 Land Use Allocation

5.1 Station Building Countryside

6.0 Relevant Planning History

6.1 PE172818 Extend current car park by utilising green area and demolition of old industrial buildings next to the station all of which are within Abellio lease area.

- 6.2 161657 – Car Park Near Station North lane, Marks Tey– Proposed works to the existing car park involving the following changes, 1 – demolition of 2 small brickwork out buildings, 2 – Removal of existing Hawthorn hedgerow to be replaced on a like for like basis, 3 – Reconfiguration of 29 No. existing – Application approved conditionally September 2016.
- 6.3 120369 – Car Park Near Station North Lane, Marks Tey - Continued use of site as a temporary public pay and display car park (Renewal of Planning Permission Ref: 110189)- Approved Conditionally April 2012.
- 6.4 110189 - Car Park Near Station North Lane, Marks Tey - Continued use of site as a temporary public pay and display car park for a three year duration. Renewal of current planning permission 090874. Site was also granted permission under application C/COL/05/1918 – Approved Conditionally March 2011.
- 6.5 C/COL/05/1918 – Land Opposite Marks Tey Station North Lane, Marks Tey Colchester CO6 1EG – Change of use of land as car parking – Approved Conditionally January 2006.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Managing Archaeology in Development.
Developing a Landscape for the Future

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

- 8.2 The Tree Officer is generally in agreement with the survey and report subject to clarification of the width of the access into the new car park and loss vegetation being adequately shown. Subject to the above, he agrees the arboricultural aspect of the application subject to condition.

- 8.3 Essex County Council state that “ as the matter does not directly relate to Community Infrastructure, we have no further comment to add.”

- 8.4 Highway Authority state:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The bicycle parking facilities as shown on the approved plan are to be provided prior to the first use of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority’s Development Management Policies February 2011.

2. The new car parking facilities as shown on the approved plan are to be provided prior to the first use of the development and the development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the first use of the proposed development, both bus stops north and south bound, nearest the proposed development site on the A120, shall be improved by the provision of level entry kerbing, new posts and flags, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

8.5 Natural England have no objection.

8.6 Environmental Protection: Should planning permission be granted:

ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has 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.

ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

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.

The lighting report submitted appears satisfactory. However, we recommend the following condition to ensure future compliance with the relevant standards:

ZGR - Light Pollution

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.

- 8.7 Contaminated Land officer: The comments from MLM are noted. However, without a Phase 1 Desk Study and site walk over report, a complete initial conceptual site model cannot be developed. This will identify any potential sources of significant contamination and direct the location/depths/lab analysis etc. for any intrusive investigation to further assess the initially identified potential risks (if deemed necessary by the desk study for the proposed use). This is recognised as essential in any contaminated risk assessment process. It is also a requirement of all Essex Local Authorities, as detailed in their guide for developers: Essex Contaminated Land Consortium's technical guide.

Consequently, based on the information provided to date, should this application be approved,

Environmental Protection would recommend inclusion of the following conditions:

ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

If a Phase 1 risk assessment is received prior to decision, we will re-assess these recommendations.

- 8.8 Archaeologist: An adequate heritage assessment has been submitted with this application. No material harm will be caused to the significance of heritage assets by the proposed development. There will be no requirement for any archaeological investigation.

3.0 Recommendation

- 3.1 Agreement to the arboricultural aspect of the application subject to condition

8.9 The Landscape officer states:

Regarding the landscape content/aspect of the strategic proposals lodged on 07/09/18 and subsequent revised soft landscape proposals submitted under dwg 2056.01.C (not currently lodged on planning file):

- 1.2 To accord with the Council's [Landscape strategy for development sites](#) the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link); and where applicable amended accordingly to fully accord with them. In particular the clause(s) of LIS/A noted in the Appendix to this document need(s) to be cross-checked against the current submission.

- 1.3 In support and addition to this/these LIS/A clause(s) and accordance with policy/policies detailed in 3.1 below, the following points should be taken into consideration as part of any revised proposals:

Landscape proposals - under drawing 2056.01.C:

- A post and rail fence needs to be proposed to the sites western boundary where it runs directly alongside the access road, this in order to help protect the hedge whilst it matures. The fencing (symbol) needs to be clearly illustrated on plan (as running alongside the kerb side) and detail description and symbol included in the drawing key.
- The proposed 'landscape specifications' and first 2 'general notes' are not acceptable (gen notes: any revisions also need to be agreed with the LPA), but are not required at this the application stage. If full landscape details are submitted at this the application stage they will need to be cross-checked against Guidance Notes B (LIS/B) (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link). However, as this level of detail is not normally required at this the application stage it is recommended these details be agreed to be addressed under condition, it will be assumed this has been agreed when reviewing any revised proposals unless notified otherwise.

Colchester Borough Landscape Character Assessment:

- The car park extension site lies outside the settlement boundary and is therefore subject to Core Policy ENV1. ENV1 requires that *'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'*.
- The site lies within Colchester Borough Landscape Character Assessment Area B2, this identifies a key characteristic of the landscape as *'a mixture of small, medium and large irregular, predominantly arable fields'* and a key planning issue as *'pressure from potential visually intrusive expansion of Marks Tey settlement'*. It goes on to set a landscape strategy objective to *'conserve and enhance'* the landscape character of the Area, with a landscape planning guideline to *'conserve the mostly rural character of the area'* and *'ensure that any development on the edges of Marks Tey and Copford responds to traditional settlement patterns and uses design and materials, which are appropriate to local landscape character'*.
- It should be considered within the planning balance that the current proposal to losing an area of arable field and introduce non-locally compatible native hedgerow enclosure would not be conducive with its rural location. This as it fails to conserve and enhance the character of the site through the loss of agricultural land and by introducing non-native hedging stock and thereby fails to comply with the requirements of the Colchester Borough Landscape Character Assessment and therefore Core Policy ENV1.

Agricultural Land Classification:

- It should be noted that the planning application makes a declaration that the car park extension is not agricultural land, but the landscape appraisal submitted as part of the application states (under clause 3.1.3) that it is.
- If classified as agricultural land then in the absence of any agricultural land classification report the Natural England mapping indicates the site is located within an area of higher grade (2) agricultural land, with a requirement under the NPPF (clause 112) that *'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*. It is recommended therefore that a site specific Agricultural Land Classification report be submitted as part of any revised proposal in order that the classification might be identified at a local level.

Landscape Appraisal – under LVIA dated March 2018:

- In order to fully assess the appraisal, and thereby the potential landscape and visual impact of the proposal, it needs to be cross-checked against the above and 9.1 & 9.2 of LIS/A and developed further to fully assess/comply with these points/requirements.

2.0 Conclusion:

2.1 In conclusion, taking into account all relevant considerations and for the reasons set out above, this application cannot currently be supported on landscape grounds. In order fully consider the proposals the above points will need to be satisfactorily addressed.

9.0 Parish Council Response

- 9.1 The Parish Council have stated: “Objection - The Parish Council would request the application is refused due to exasperating the existing highway restrictions, the impact on already poor air quality and additional disabled parking with no provisions for additional disabled access due to the narrow footpath over the bridge.
The proposal needs to be considered with the wider strategic plan for parking at Marks Tey Station.”

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

- 10.2 14 letters of objection have been received which make the following comments:

- Have attached a schedule from 2009, of the origin of railway season ticket holders, as you can see only 12% lived in Marks Tey. Look how far these people come from to get to the Marks Tey Transport HUB. Two pages attached.
- This is the view we get at night from the rear of our homes, you can see this eye sore two miles away from the road from Aldham to Marks Tey. All of the northern boundary of this car park needs to have Leylandii planted.
- New North car park on agricultural land. Network Rail are not reducing the traffic in the area, they are increasing it, ask them to produce a list of their season ticket holders, they are drawing in commuters from all over Essex and Suffolk.
- The new flood lighting on a SSSI site would contravene the Colchester Borough Councils 5.7 Environment and Rural Communities Policies ENV1 and would bring a light pollution and noise pollution problem to all neighbours.
- This new car park should not be given planning permission unless they pay for improvements in the infrastructure in Marks Tey.

- All Car parking bays in Station Road should be removed. If they have an extra 195 bays there would be no need to block the highway in Station Road. This is a major problem for two way traffic in the area especially HGVs.
- Station Road junction with the A120 roundabout should be widened to two lanes for at least 200 m with arrows pointing to left lane and right lane, this would help move the traffic at night at peak times as commuters leave the station.
- The A120 from London road to the roundabout junction with Station Road should be painted on the road: Left lane A120 Braintree Stansted, GET IN LANE STAY IN LANE. The right lane should be marked Station and Colchester GET IN LANE STAY IN LANE. At peak times in the morning the traffic is backed up to the roundabout with London Road, People use the right lane to jump the queue and cut in at the roundabout, this causes more delays and road rage.
- Leaves of deciduous trees will fall opening up the site. They need to plant Leylandii to hide all the site all year round, they also need to plant Leylandii on the fence from this new car park along the fence to hide the station. The area from the homes to the new car park should all be planted as a small woodland to hide the station and the new car park.
- If Network Rail does not meet all these points, then the planning application should be declined.
- Unacceptable highway impacts – blind exit.
- Hardstanding and lighting would be viewed from nearby residences.
- Should be lighting baffles.
- More landscaping would reduce impact to slight adverse. Need more planting than as proposed.
- There will be more cars, not reduced mileage.
- No proposal to increase public transport.
- Increase in number of lorry movements. Construction problems.
- Should be improved disabled infrastructure in place before approve.
- Contrary to the NPPF.
- More car capacity would add to pollution.
- 10 car spaces for staff proposed but I've not seen more than 5 staff.
- Demolition of building will be severe negative impact on nearby residences.
- Coach problems, and adding further vehicles to this already hazardous situation is seriously an opportunity for significant traffic accidents.
- road infrastructure is not suitable to support any further traffic on this stretch of road without significant upgrade.
- Noise problems will be exacerbated from extra traffic and loss of hedgerows.
- This area has many more minor accidents in which no personal injury occurs.
- A direct route with pedestrian markings should be provided from the additional carpark to the station platform.
- Railway bridge too narrow.
- Light pollution.

11.0 Parking Provision

11.1 Total 363 (195 extra proposed).

12.0 Open Space Provisions

12.1 Not applicable.

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 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that no Planning Obligations should be sought.

15.0 Report

Principle

15.1 The site lies within the countryside and accordingly there needs to be a justification for development in this location. With regard to National Policy the NPPF indicates a presumption in favour of sustainable development with three overarching objectives; economic, social and environmental. With regard to Local Plan Policy, Policy DP18 (Transport Infrastructure Proposals) is particularly relevant and indicates, inter-alia, that new public transport facilities will be expected to be sited in sustainable locations, minimise the impact on the environment and provide a full business case for the need.

15.2 With regard to the need for the extra parking the applicant has confirmed that the additional spaces proposed are required to accommodate the existing parking demand and additional parking demand that is expected to be generated in the future “following the implementation by Greater Anglia of committed infrastructure improvements at the station by the end of 2019; and the forecast increase in passenger numbers at the station over the next 15 years as a result of the Local Plan housing growth.”

15.3 It is considered that the need for the car park has been satisfactorily demonstrated having regard to the above. On site it is clear that the existing parking spaces are in high demand and there is also pressure on the on street parking spaces. The details submitted regarding future demand are considered to represent an adequate justification for the provision of the extra 195 spaces.

15.4 The site is in a relatively sustainable location, being an existing railway station in close proximity to the A12, Marks Tey and with direct station links to Colchester, Chelmsford, Stratford and Liverpool St. Accordingly, whilst more cars will be arriving on site, this would encourage more use of sustainable public transport (i.e train.). This is considered to meet the sustainability and economic objectives of the NPPF.

15.5 Having regard to the criteria of Policy DP18 it is considered that this is a sustainable location, that connectivity will be enhanced and that the business case justification has been shown. Policy DP17 provides that there should be appropriate provision for public transport and linkages to networks. Accordingly, overall it is considered that the principle of the proposal can be supported and that the proposal should be judged on its planning merits, which include impact upon the environment, highway safety, residential amenity and impact upon historic assets such as building loss and archaeology. Any impact upon wildlife also needs to be considered.

Highway Safety

15.6 The Highway Authority have raised no objections on highway safety grounds and the scheme is accordingly considered acceptable on highway safety grounds subject to the application of conditions suggested by the Highway Authority. These conditions include the parking layout according with the approved plans. The concerns raised by objectors have been noted but it is considered the highway network, including the junction on to North Lane is suitable for the proposed intensification of vehicular use. The traffic impact assessment submitted indicates that the proposed car park expansion is predicted to result in an additional 115 vehicles entering and exiting the car park during the AM peak hour (7 AM to 8 AM) and an additional 109 vehicles during the PM peak hour (5.30 PM to 6.30 PM). The proposed development is not expected to have a material traffic impact on the surrounding highway network. The proposal is therefore considered to be safe in accordance with the provisions of Policy DP1.

Landscape Impact

15.7 As the car park extension site lies outside the settlement boundary, it is therefore subject to Core Policy ENV1. ENV1 requires that 'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'.

15.8 Overall, on balance it is considered that the proposal is acceptable in terms of its impact on the landscape and that its use as a car park is justified. The

site is relatively low lying and in close proximity to the existing station complex. It is partly screened by existing vegetation. An appropriate landscape impact assessment has been submitted. However, there will need to be further appropriate boundary screening with native species and this can be conditioned. This will minimise any visual impact of the proposal on the countryside and rural character of the area. Any boundary enclosures will also need to be sympathetic, and this can include post and rail fencing. It has been confirmed that the site is classified as agricultural land but it is not considered the loss of this relatively small area of agricultural land would justify an unfavourable recommendation.

- 15.9 Subject to appropriate conditions, in particular native landscaping, it is considered that there would not be a significant adverse impact upon the landscape and that the proposal would respect its surroundings in accordance with policy DP1.

Impact upon trees and vegetation

- 15.10 With regard to impact upon trees and vegetation, an appropriate Arboricultural Impact Assessment has been submitted. This assessment outlines the tree constraints that affect the construction of new car parking facilities and demonstrates how the retained trees can be protected throughout the development process.
- 15.11 One C category tree (T2), one C category group (G4) and 25 linear metres of hedging that form G1 will need to be removed for development purposes. However, the tree losses will be replaced with remedial planting designed to be in keeping with the new development and provide landscape benefits and new wildlife habitats.
- 15.12 All the retained trees will be provided with proper protection as set out in BS5837:2012 during the construction phase. Protection measures will include erecting temporary protective barriers. Arboricultural supervision can then follow. The Council's tree officer has no objections to the scheme (following clarification received) and subject to appropriate conditions and the proposal is therefore considered acceptable in terms of its impact upon trees and vegetation.

Impact upon neighbouring Residential Amenity

- 15.13 The proposal is considered to be acceptable in terms of impact upon neighbouring residential amenity. The site would be far enough away from the nearest dwellings to ensure there would not be a significant impact from noise and disturbance. The Head of Environmental Protection has raised no objections and the suggested conditions can be applied. This includes lighting levels, and a condition will be applied to ensure details of any lighting is agreed to ensure there is no detriment to residential amenity from lighting. Additional screening can also help in this respect. The proposal is therefore considered to comply with Policy DP1 as existing residential amenity would be protected.

Impact Upon Historic Assets

- 15.14 The buildings to be removed are not considered to have any particular historic merit and an appropriate heritage assessment has been submitted. Accordingly there are no objections to their removal. There is also no requirement for further archaeological investigation and appropriate details have already been submitted in this respect. The Council's archaeologist has raised no objections. There is no impact upon the setting of any Listed Building. Overall the proposal therefore accords with Policy DP 14 which aims to protect the Historic Environment.

Other

- 15.15 The conditions suggested by the Contaminated Land officer will need to be applied.
- 15.16 There is no significant impact upon wildlife. Appropriate assessments have been submitted and Natural England have raised no objections. The proposal therefore accords with Policy DP21 which aims to conserve biodiversity.
- 15.17 There are not considered to be flood risk issues and a surface water drainage condition can be applied.

16.0 Conclusion

- 16.1 To summarise, the proposed car park is considered to be acceptable in principle and represents sustainable development in accordance with National and Local Plan Policy. It is considered that the need for it has been demonstrated and that, subject to landscaping conditions this is an appropriate position for it, including in terms of impact upon the character of the landscape. It is not considered there would a significant impact upon highway safety, neighbouring residential amenity, trees and vegetation, historic assets or wildlife. Contaminated land conditions can be applied.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - 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. ZAM – 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 as submitted and revised (precise numbers to be confirmed).

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

3. Non Standard Condition - Bicycle Parking

The bicycle parking facilities as shown on the approved plan are to be provided prior to the first use of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

4. Non Standard Condition - Car Parking

The new car parking facilities as shown on the approved plan are to be provided prior to the first use of the development and the development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

5. ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has 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. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

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. The lighting report submitted appears satisfactory. However, we recommend the following condition to ensure future compliance with the relevant standards.

7. ZGR - Light Pollution

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.

8. Non Standard Condition - Details of Floodlighting

No floodlighting, or other external lighting shall be constructed, installed or illuminated until full details of this have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to the surroundings area.

9. ZFB- Full Landscape Proposals

No works shall take place until full details of all landscape works 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.);
- 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.

10. ZFE – 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.

11. Non Standard Condition - Tree Protection

The provisions of the submitted Arboricultural Impact Assessment shall be complied with during the lifetime of the development works.

Reason: To safeguard the amenity provided by the Trees and Hedgerows.

12. ZCL Surface Water Drainage.

No works shall take place until details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

13. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Non Standard Condition- Wildlife

The wildlife mitigation outlined in the submitted Ecological Survey shall be complied with throughout the lifetime of the development works.

Reason: In order to mitigate impact upon wildlife and protected species.

18.0 Informatives

18.1 The following informatives are also recommended:

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. 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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with

your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Highway Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

4. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.