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Item No: 9.2

Application: 180710

Applicant: Total Car Parks Ltd

Agent: Miss L Cunningham

Proposal: Temporary public paid parking. No change to the site. This use will be until the approved development then proceeds.

Location: Former Bus Depot, Magdalen Street, Colchester, CO1 2LD

Ward: New Town and Christ Church

Officer: Sue Jackson

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the site is owned by Colchester Borough Council and objections have been received.

2.0 Synopsis

- 2.1 The application proposes the use of part of the former bus depot site in Magdalen Street as a public car park. The key issues for consideration are the suitability of the use in land use terms, its impact on the Air Quality Management Area (AQMA) and highway issues. The comments raised in the representations are also considered.
- 2.2 The application is subsequently recommended for a temporary planning permission.

3.0 Site Description and Context

- 3.1 The former bus depot site is rectangular in shape and has an area of approximately 0.4322 hectares with frontages to both Magdalen Street and Military Road. It currently contains two substantial linked buildings with a range of smaller additions. It includes an open yard fronting Magdalen Street which was used for bus parking. The application relates to this open yard. It is adjacent to a building which comprises an Aldi grocery store on the ground floor and residential units above. Along the rear boundary of the yard is a high retaining wall which separates the site from Kendall's almshouses to the south. On the opposite side of the road are a mix of commercial and residential uses.

4.0 Description of the Proposal

- 4.1 The proposal is to use the site as a temporary car park for long stay commuter parking. The site plan indicates 35 spaces could be accommodated. The application form indicates that the car park will be open 24 hours a day.

5.0 Land Use Allocation

East Colchester Special Policy Area
East Colchester Regeneration Area and Growth Area
Air Quality Management Area

6.0 Relevant Planning History

- 6.1 Application 160103 Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bed spaces (59 cluster flats and 17 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site. Approved 20/12/2017 subject to a legal agreement.

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
- CE2a - Town Centre
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking

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
- DP2 Health Assessments
- DP6 Colchester Town Centre Uses
- DP14 Historic Environment Assets
- DP17 Accessibility and Access

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:

- SA EC2 Development in East Colchester
- SA EC5 Area 3: Magdalen Street
- SA EC8 Transportation in East Colchester

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- Air Quality Management Guidance Note, Areas & Order
- Magdalen Street Development Brief

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 Highway Authority does not object to the proposals as submitted.

8.3 Environmental Protection Manager (Air Quality) comments:

“Thank you for forwarding the attached information and we welcome the statement that Total Car parks wish to use the car park for long stay. As you are aware we were concerned of the impact that this proposed application would have on the Air Quality Management Area in Magdalen Street but having considered all the information we wish to withdraw our objection for the following reasons.

- We have been advised that the Council will condition the Car Parks use to long stay with a pricing structure to reflect that. Thus reducing the number of vehicle movements entering and leaving the site each day.
- The use is the temporary and a planning application has been submitted for use of the site as student accommodation.
- The proposed increase in number of parking spaces on site is relatively small 30 – 35
- The site is slightly outside of the town centre and may draw car parking users to outside of the town centre core.”

8.4 Environmental Protection Officer comments:

“Initially I had some concerns re. potential sleep disturbance from maximum noise levels caused by car doors closing etc. at the Almshouses located to the rear of the site. However, I’ve visited the site this morning and noted that the Almshouses are 8-9 metres above the site are single storey and have a 1.5 metre high brick wall immediately outside bedrooms, which have double-glazed windows. The height and wall have the combined effect of screening noise from the rear half of the proposed car park. The additional distance attenuation from the front half of the site should reduce maximum noise levels outside bedrooms to be just about in line with WHO guidance. It is also noted that Magdalen Street is very busy and ambient noise levels from the front of the site are likely to be high. Considering the application is for temporary use only and has a small number of spaces it should be OK.

If open at night we would recommend some kind of barrier system so that the car park can only be accessed by those paying to park and that any lighting is directed or screened so as not to cause a nuisance to residential properties.”

9.0 Parish Council Response

9.1 N/A

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.

- Proposal is understandable and should look a little better and give the place a purpose.
- The committee should expect good standards of operation and VERY clear signage for safety of pedestrians using the pavement (close to Aldi) ,conditions of use signs (e.g. no small print) ,security arrangements and good size spaces.
- What are the manned service back-up if machines don't work?
- A pressure hose clean-up before use should be insisted on.
- Good visibility of the site is essential.
- Adding a car park will only increase the volume of traffic also the impact on the traffic of cars arriving and exiting the car park. We already see this with the 2 supermarkets on Magdalen Street.
- I comment as Clerk to the Winnocks and Kendalls Almshouse Charity. We share with the Borough Council the boundary to the south of the site. We have been in touch with your Council regarding security issues. Persons have been seen gaining access to the derelict buildings across the wall of our property. Recently there have been fires within the building which have caused anxiety to our residents. Can you indicate to us the relationship of Total Car Parking with your Council. Will they be licensees? Will they be taking on responsibility for the security of the site?
- The Council's Development Brief of 2005 identifies that the existing high number of access points is a concern to the Highway Authority, and they consider Magdalen Street to experience an unacceptable high level of accidents involving motor vehicles and pedestrians. Given that these points have been made more important by the opening of two supermarkets in the road ,especially that of Aldi which is next door to the proposed car park, it is hard to see how this proposal can benefit the traffic flow, pedestrian movements and the 24 hour peace of those who live nearby.
- Colchester Civic Society objects we believe the additional traffic movements will result in congestion in this part of Colchester, particularly as it is close to Aldi . Like yourselves we rely on advice from traffic engineers. If the highway engineers disagree and you are minded to grant planning permission we wish only temporary permission a maximum of 1 year. We wish to improve this area of Colchester and wish it to be redeveloped and would not wish it to stay as a car park even though that use might be more commercially viable because of the contamination. The tram tracks should be retained in situ.
- The site has been used by homeless people instead of using it as a car park and congesting our street a shelter for homeless people would be a good

10.2 Several of the comments relate to issues in respect of the Councils ownership of the site and are answered by the Estates Manager - Colchester Amphora Trading Ltd

- *“CBC is in discussion with the operator on the basis of a short term lease for the area covered under this planning permission*
- *This application does not affect the longer term redevelopment proposals for the site*
- *The car park operator will undertake works to the site to make it fit for purpose*
- *The site is currently patrolled by security guards to try and minimise intruders and antisocial behaviour*
- *It is anticipated that the presence of the temporary car park on site will help to deter intruders and antisocial behaviour”*

10.3 The applicant has also responded to some of the issues raised

“We had already given this some consideration and we will put Warning Signs to pedestrians on either side of the entrance to the car park, advising them of incoming/outgoing traffic. All the signs we will have on the car park are approved by the British Parking Association and comply with their Code of Practice. The site will be cleaned up prior to use. We will be offering on-line, pay by mobile payment options, in addition to the use of a Pay & Display machine”.

11.0 Parking Provision

11.1 The application is for a car park providing approximately 35 parking spaces.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is within the Air Quality Management Area and these issues are addressed in the comments from the Environmental Protection Manager set out above.

14.0 Planning Obligations

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

15.0 Report

15.1 The main issues in this case are:

The Principle of Development

15.2 The site is within the East Colchester Growth Area. The Core Strategy includes a clear commitment to regenerate such areas. The Site Allocations DPD contains a specific policy in relation to the regeneration of Magdalen Street Policy SA EC5 Area 3 which states that Magdalen Street will continue to attract the existing mix of commercial, residential, service and retail uses to complement its edge of centre location. The Development Brief sets out the Councils expectations for a mixed use.

15.3 There is no specific policy relating to long term parking however Policy TA5 states “that short stay parking will be provided where necessary to facilitate the economic and social wellbeing of the town centre”. The emerging local plan indicates applications for new or expanded car parks will be considered on an individual basis in relation to evidence and need.

15.4 The above policies set out acceptable uses for the site, these would generally be permanent uses. Whilst the proposal does not involve an identified use, it is only for a temporary period whilst the redevelopment of the whole site is finalised. The larger depot site has planning permission for student accommodation and an application for revisions to the approved scheme has just been submitted. This temporary use of a vacant site is considered acceptable and it is possible it may also help deter the current antisocial behaviour.

Impact on the Surrounding Area

15.5 This site was previously used as a bus depot and at that time there were very significant numbers of diesel fuelled buses and cars using the site from early in the morning until late at night. In comparison, this temporary use will not have a material adverse impact on environment of the the area. Air Quality issues are addressed by the Environmental Protection Manager in their comments at paragraph 8.1 above.

Impacts on Neighbouring Properties

15.6 The Environmental Protection Officer has considered the impact of the proposal on neighbouring properties and the comments are set out in the consultation section at paragraph 8.1 above. On the basis the application is for temporary use only and has a small number of spaces no objection is raised. The suggested conditions will be imposed.

Highway Safety and Parking Provisions (including Cycling)

15.7 The application is for a car park, no objection is raised by the Highway Authority.

Other Matters

15.8 None

16.0 Conclusion

16.1 To summarise, the application will not have an adverse impact on either the area or the amenity of neighbours and a temporary planning permission is recommended.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAG - *Temporary Permission*

The period of this permission shall expire on 30 June 2019 at which date the use hereby permitted shall be removed. Within 28 days from the date at which this permission expires any building, material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and because a longer permission would have to be carefully considered by the Local Planning Authority at the time at which any such proposal came forward, as well as to ensure that the site is returned to its previous state so that it does not suffer from any unacceptable longer term impact.

2. Non Standard condition - Controlling detailed use

The car park shall be used as a long stay commuter car park and the pricing structure shall reflect this. Prior to the car park being open for public use details of the pricing structure shall be submitted to and approved in writing by the Local Planning Authority. The agreed structure shall thereafter be implemented and any changes implemented after the prior written approval of the Council.

Reason: To avoid doubt as to the scope of the consent hereby granted and to ensure the use does not have an adverse impact on the AQMA, or the amenity of neighbours.

3. Non Standard Condition - Signage

Prior to the car park being open for public use details of all signage shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be installed prior to the car park being used by the public.

Reason: In the interests of amenity and public safety.

4. Non Standard Condition – Scheme to control access

Prior to the car park being open for public use details of a scheme which allows the car park to be only accessed by those paying to park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the car park being open to the public and shall thereafter be retained.

Reason: To ensure the car park is only used by customers and to avoid a loss of amenity to neighbouring occupiers

5. Non Standard Condition - Lighting

No external lighting shall be installed without the prior written approval of the Local Planning Authority in order to ensure all lighting is directed or screened so as not to cause a nuisance to residential properties. A detailed scheme of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented strictly in accordance with the agreed details.

Reason: In the interests of the amenity of neighbouring dwellings.

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. 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.

4 – Non Standard Informative

Highway Informative: 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