

probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

-At the end of the development lifetime with climate change (100 years) applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 4.41m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 2.45m AOD would be 1.96m deep, and in the building using the proposed finished floor levels of 4.07m AOD would be 0.34m deep. However this is considering climate change for 100 years and the FRA states the development lifetime is 25 years.

-The FRA undertakes an analysis of tidal climate change for up to 25 years (up to 2044). If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for (25 years) climate change flood level of 4.07m AOD, would not overtop the existing defences.

Residual Risk

- EA data shows that in a worst-case scenario the site could experience undefended flood depths of up to 1.47 metres during the 0.5% (1 in 200) annual probability including climate change (up to 25 years) undefended flood event and up to 1.84 metres during the 0.1% (1 in 1000) annual probability including climate change (up to 25 years) undefended flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

-Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change (up to 25 years).

- Finished ground floor levels have been proposed at 4.07m AOD. This is above the 0.5% (1 in 200) annual probability undefended flood level including climate change (up to 25 years) of 3.92m AOD and therefore dry of flooding by 0.15m depth in this event.

-Flood resilience/resistance measures have been proposed at 4.40m AOD which is 0.48m above the 0.5% (1 in 200) annual probability undefended flood level including climate change (up to 25 years).

-The FRA states that the access to the site is at 4.23m AOD. This is above the 0.5% (1 in 200) annual probability undefended flood level including climate change (up to 25 years) of 3.92m AOD and therefore dry of flooding by 0.31m depth in this event. As such the site has got safe access. A Flood Evacuation Plan has not been proposed.

Shoreline Management Plan / Catchment Flood Management Plan
The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of

'Hold the Line' until 2105 for Harwich Harbour location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

The Ramblers Association No comments received.

ECC Highways Dept 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 proposed development shall not be occupied until such time as the vehicle parking area and internal road layout indicated on the proposed block plan, drawing no. P6335-410-ps-102 a05 including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

(2) Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

(3) Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

(4) Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy

DM8.

Note: in relation to Informative 1 consideration may need to be given to increasing the parking being proposed for the site.

(5) The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

(6) Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1

(7) No development shall take place, including any ground works or 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. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Richard Jackson haven't stated the size of the building anywhere in their report but have worked out the number of parking spaces required. So from working that back the figure of 1850sqm as a guide has been assumed. The only concern is that they have reduced the parking significantly to 11 spaces (due to only 5 staff working at one time) and stated that due to no public transport for the early start and late finish employees are likely to drive.

Should there be any additional visitors or deliveries this may be a problem or if they increase the workforce at the site at any point they have left no buffer. If it really is only ever going to be five staff then they will be fine.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass

verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: The construction vehicle route to the site (from the west) should be clearly signed and a strict regime of wheel washing and street cleaning should be in place in the vicinity of the roundabout access to the site.

Informative 4: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex Wildlife Trust

No comments received.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Stour and Orwell Estuaries Special Protection Area and Ramsar Sites and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, Natural England advise you to record your decision that a likely significant effect can be ruled out.

Stour Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Essex County Council
Archaeology

A Desk Based Assessment has been submitted with the application which states that the development should not impact on the historic sea wall and lies within an area that may have suffered from previous disturbance from both the construction of the adjoining road and railway line. There is no recommendation for any archaeological investigation for this application.

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SuDS Team do not object to the granting of planning permission based on the following:

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure
- Final modelling and calculations for all areas of the drainage system, including calculations to show flood risk within the pipe network
- A depth of 1.0m should be maintained between the underside of the infiltration drainage and the groundwater level
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to

be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Anglian Water Services
Ltd

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Harwich And Dovercourt Water Recycling Centre that will have available capacity for these flows Section 3 - Used Water Network The sewerage system at present has available capacity for these flows via a gravity discharge regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act. Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or

indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

3. Planning History

96/00989/FUL	(Land to north and south of and upon the Ramsey River, Dovercourt) Construction of carriageways, associated roundabouts and driver crossings as part of Parkeston Relief Road	Approved	10.09.1996
98/00451/FUL	(Parkeston and Dovercourt) CC/TEN/11/98 - Construction of Phase 1B and Stage 2 of the A120 Parkeston Bypass	Approved	12.05.1998
18/01201/EIASCRCR	Proposed new facility to be known as the Harwich Train Maintenance Centre.	Withdrawn	24.07.2018
18/01270/EIASCRCR	Proposed new facility to be known as the Harwich Train Maintenance Centre.		14.08.2018
19/00388/FUL	Construction of a new facility for the purposes of train maintenance and the storage of train spares.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL10 Designing New Development to Meet Functional Needs

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

COM21 Light Pollution

COM22 Noise Pollution

COM23 General Pollution

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site, which extends to approximately 2.5ha, is located at the northern edge of Harwich on reclaimed, levelled ground that was formerly part of the foreshore and intertidal zone. It lies at 3-4m above Ordnance datum (AOD). The River Stour estuary lies 150m north-east of the site at its closest point. Ground cover consists of gravel, moss and vegetation. A water filled cutting is present at the north-western boundary of the site.

The site is bounded to the south and west by the mainline railway (Harwich Town to London Liverpool Street) which follows the historic shoreline along a gently rising and sparsely wooded area of ground, beyond which lies residential housing (including the Williamsburg Avenue estate/Iconfield Park built out post-2000).

To the north and east the site is bounded by the A120 carriageway and open ground. A flyover section of the A120 crosses the centre of the site on an east/west alignment.

Proposal

It is proposed to construct a train maintenance centre, service yard, store, office and ancillary facilities (i.e. canteen and toilets), with a car park to provide 11 no. car parking spaces, 2 no. disabled spaces, 10 no. cycle spaces and 3 no. powered two wheeled vehicle spaces. The facility is to include a rail track connection to the existing carriage sidings and the building will house specialist machinery for re-profiling train wheels.

The application proposes operational hours of 06:00 to 22:00 (based on two proposed operational shifts between 06:00 and 14:00 hours and between 14:00 and 22:00 hours).

The proposed maintenance building would have two distinct mono-pitched elements with a single storey link which acts to break up the bulk of the building. The higher mono-pitched element fronting onto the A120 extends to a ridge height of 11.74m, whilst the rear mono-pitched section extends to a height of approximately 9.7m.

The building would have a steel framed construction with steel sheet covering. The external walls would comprise horizontal composite panel feature cladding principally in dark grey, medium grey, light grey and white, with elements of red to add some interest and visual contrast. The roof would comprise white/light grey steel sheeting; and windows and doors would be dark grey aluminium framed.

Access is proposed to be taken from the existing roundabout to the east of the site.

Principle of Development

Within the 2007 Saved Local Plan the site is within an area identified as 'Bathside Bay' (Policy HAR1). This policy is not carried forward in the Emerging Local Plan. In both Policy documents the site lies within the Settlement Development Boundary.

Policy HAR1 deals with the allocation of the site and adjacent land for strategic employment known as 'Bathside Bay'. Planning permission has been granted and remains extant until 2021; albeit the development is yet to be implemented. Policy HAR1 states that 'no new planning permission will be granted unless it is for substantially similar development'. This proposal development is on part of the Bathside Bay site; however, it is a small part of the overall site. It is considered that this development would not prejudice the Bathside Bay development coming forward.

For the reasons set out above, it is considered that there is no principle objection to the proposal subject to the considerations below.

Design/Landscape and Visual Impact

Policy ER7 of the Saved Local Plan states that when considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses and the site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive.

Policy QL9 of the Saved Local Plan states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other things; new buildings and structures are well designed and maintain or enhance local character and distinctiveness; the development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials and the development respects or enhances views, skyline, landmarks, existing street patterns, open spaces and other locally important features. These sentiments are carried forward in Policy SPL3 of the Emerging Local Plan.

The proposed building is of a significant size and will be prominent given the open nature of the site and its public views from the A120. However the design with two distinct elements and a single storey link assists in breaking up the bulk of the building. The mono-pitched roof and cladding ensures the building appears as an industrial/commercial building in keeping with similar structure to the north of the site.

In terms of car parking provision, the scheme only proposes 11 no. car parking spaces, 2 no. disabled spaces, 10 no. cycle spaces and 3 no. powered two wheeled vehicle spaces. Applying ECC Parking Standards to this proposal (B1 use for building of 1,755sqm gross floorspace) would technically generate a need for circa 58 car parking spaces. However, as the proposal is suggesting that it will only generate 8-12 total full-time equivalent jobs, this would appear to be significant over-provision for this development. For drainage (amount of hard surfacing), ecology and landscape reasons it would seem reasonable to accept the lower level of provision in this instance.

In terms of soft landscaping, whilst it is apparent that the scale of the development is such that it could not be completely screened by new planting, it is considered that it would be desirable to secure strengthening of the planting of the boundary with the A120 to soften the appearance of the proposed structure and to break up the dominating nature of its overall mass. In this respect, it is recommended that it may be possible to plant an avenue of specimen trees on the boundary between the application site and the A120. Suitable species that would adequately perform this function are: Lombardy Poplar (*Populus nigra* 'Italica') or Cypress Oak (*Quercus robur* 'Fastigiata'). The Poplar would be faster growing but the Oak would provide a more durable and long lasting landscape feature. Additional planting around the base of the avenue of trees comprising indigenous hedging species such as Hawthorn, Blackthorn and Field Maple would provide an adequate level of medium height screening. It is considered that this matter can reasonably be addressed by the imposition of a landscaping condition.

Whilst to the south-west of the site there are residential properties; these are separated from the site by the railway line and planting and therefore the sites character has a closer relationship with the land to the north of the site, on the opposite side of the A120, which is used in connection with port related activities.

Overall, it is considered that the proposal, whilst prominent would not have an adverse impact on the character and appearance of the surrounding area and is of an appropriate design for its setting.

Impact on Neighbours

Policy ER7 of the Saved Local Plan states that in considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites, the Council will need to be satisfied that there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution.

Policy QL9 of the Saved Local Plan states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts and that development will only be permitted if a set criteria is met. The criteria include (amongst other things) the following:

- The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;
- The development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or other forms of pollution or nuisance.

Given the proximity of the site to residential properties, there is potential for the proposal to have an adverse impact on the amenities of neighbouring residents in terms of noise disturbance. Accordingly, the application has been supported by a Noise Assessment Report and Construction Method Statement (Design Stage) and the Council's Environmental Protection Team has confirmed that both are satisfactory. However, in order to minimise potential nuisance to nearby existing residents it has been recommended that a number of planning conditions be imposed to control construction in terms of noise and emissions.

With respect to operational activities, the Noise Assessment Report indicates that the level of impact associated with the operation of the proposed development during daytime and evening periods would be of a level that is likely to be an indication of having an adverse impact during the daytime and significant adverse at night-time to the nearest residential receptor (residential dwellings located on Yorktown Road). However, this assessment is based on a 'worst-case' operating scenario where the use of the wheelset lathe machine is continuous throughout the assessment period when in fact this is unlikely to be the case in reality. Furthermore, with mitigation, which can be subject to suitably worded planning conditions - to include a restriction on operating hours - it is considered that the noise impact of the proposed development at the nearby noise sensitive receptors will be acceptable.

Ecology

The site lies in close proximity to the Stour Estuary Site of Special Scientific Interest (SSSI); the Stour Orwell Estuaries Special Protection Area (SPA) and Ramsar Site and also forms part of the Station Lane Grassland Local Wildlife Site. An Ecological Impact Assessment forms part of the planning application submission which concluded that in the absence of mitigation, the proposed development would give rise to:

- Disturbance of birds within a European designated site and nationally designated site;
- Loss of 15% of open-ground habitat within a locally-designated Local Wildlife containing invertebrates (but in the absence of this development the whole wheel-lathe site could be lost under two alternative scenarios);
- Temporary major negative impact on the brownfield site due to swale and SUDs basin construction followed by recovery through natural regeneration over 5-10 years;
- Injury to or mortality of reptiles during construction; and
- Disruption to bat foraging and commuting from external lighting.

In response to the above, the Ecological Impact Assessment proposes the following mitigation (which can be controlled by planning conditions):

- Reptile barrier fencing around the construction site and removal of reptiles from within the fence, prior to construction management;
- Woody vegetation checked for nesting birds, if to be removed in the nesting season;
- Detailed design of external lighting to avoid impacts upon bats;
- Management plan for retained habitats.

Natural England has no objection to the proposed development in terms of its impact on either the Stour and Orwell Estuaries Special Protection Area and Ramsar Sites or the Stour Estuary Site of Special Scientific Interest.

To meet the requirements of the Habitats Regulations, a Habitat Regulations Assessment (HRA) has been undertaken and confirms a likely significant effect can be ruled out.

The Essex Wildlife Trust has raised no comments on the application.

Highway Safety

ECC Highways have confirmed from a highway and transportation perspective the impact of the proposal is acceptable subject to the imposition of a number of highway specific planning conditions and informatives.

Flood Risk

The site lies in Flood Zone 3 in an area where there is a high probability of flooding without local flood defences. These protect the area against a river flood with a 1% chance of this happening each year, or a flood from the sea with a 0.5% of this happening each year. The proposed use falls into 'a less vulnerable' category within the Flood Risk Vulnerability Classification. The National Planning Policy Guidance indicates that such development is appropriate but will be subject to a Flood Risk Assessment. Accordingly, the application has included a Flood Risk Assessment.

The Environment Agency has raised no objection to the application as a consequence of the site being currently defended and the 'Shoreline Management Plan' (SMP) policy for this area having an aspiration to 'hold the line'. If the SMP is not taken forward the development has the potential to be unsafe in the future. However, referring to the submitted FRA it is noted that the proposed finished floor levels at 4.07m AOD and flood resilience/resistance measures taking this to 4.40m AOD, this would be 0.15m and 0.48m respectively above the 0.5% (1 in 200) annual probability undefended flood level. Similarly, the FRA states that the access to the site is at 4.23m AOD which is above the 0.5% (1 in 200) flood level and as such confirms safe access to the site.

Alongside the submission of a FRA, to comply with National Policy there is a requirement to pass the Sequential Test. Although a standalone 'Sequential Test' has not been submitted to support the planning application, the FRA does include an appendix which provides a short assessment of likely alternative locations for the Train Maintenance Centre. This confirms that the operator searched the Greater Anglia network for a site of sufficient size to take the full length of trains, which is accessible from the existing track and is likely to be suitable for development. Greenfield land, such as farmland in rural areas, was discounted as planning policy is not favourable to this scale of greenfield land use, and there would be logistical difficulties in building and operating in rural areas where road access may not be suitable. Whilst a site at Brantham was identified as the preferred site and obtained planning permission, it was subsequently found that this site would not be operationally appropriate by reason of severe traffic impacts relating to delays close to a level crossing. As a consequence, the only alternative site that would meet size criteria and location is the current application site.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 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 The development hereby permitted shall be constructed in accordance with the external material specifications shown on approved drawing no. P6335-410-PS-103 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character of the area.

- 3 Notwithstanding the landscape details shown on submitted drawing P6335-410-PS-105, no development shall take place until a scheme of hard and soft landscaping works for the site, to include details of new screen planting to the boundary with the A120, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided prior to occupation of the development and retained thereafter in the agreed form. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interests of visual amenity and the character of the area.

- 4 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 06:00 hours to 22:00 hours Mondays to Saturdays and not at any time on Sundays or Public Holidays.

Reason - To ensure that the development is carried out in a controlled manner while minimising impacts on the surrounding residential properties.

- 5 Prior to the commencement of any work associated with the development a detailed scheme for the mitigation of noise from the operation of the wheelset lathe machine shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the opening of the proposed development and be retained thereafter.

Reason: To protect the amenities of occupiers of residential properties close to the site.

- 6 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority, a full construction method statement. Development shall be carried out in full accordance with the approved statement for the duration of construction.

Reason - To ensure that the development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interest of highway safety.

- 7 The proposed development shall not be occupied until such time as the vehicle parking area and internal road layout indicated on the approved plans, including any spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 8 The powered two wheeler/cycle parking facilities as shown on approved plan no. P6335-410-PS-102 shall be provided prior to the first occupation of the development and retained at all times.

Reason - To ensure appropriate powered two wheeler and bicycle parking is provided in the interests of highway safety and amenity.

- 9 Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and / or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development site in the interest of highway safety.

- 10 Prior to commencement of site clearance and construction an Ecological Mitigation Method Statement - to include timings of delivery of mitigation and enhancement measures - shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the protection and enhancement of the site's nature conservation interest.

- 11 Prior to occupation of the development an Ecological Management Plan, setting out the proposed aftercare and long term management of retained habitats, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the protection and enhancement of the site's nature conservation interest.

- 12 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure
 - Final modelling and calculations for all areas of the drainage system, including calculations to show flood risk within the pipe network
 - A depth of 1.0m should be maintained between the underside of the infiltration drainage and the groundwater level
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 13 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason -The National Planning Policy Framework paragraph 163 and paragraph 170, state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 14 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 15 The applicant or any successor in title must maintain yearly logs of the surface water drainage system maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 16 The development hereby permitted shall be carried out in accordance with the following approved plan: P6335-410-PS-102, P6335-410-PS-104, P6335-410-PS-103.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

On the completion of the development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

The construction vehicle route to the site (from the west) should be clearly signed and a strict regime of wheel washing and street cleaning should be in place in the vicinity of the roundabout access to the site.

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:

SM01 - Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

The Highways Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

The Lead Local Flood Authority (LLFA) recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

Construction Method Statement - Condition 06

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Highways Related

1) The parking of vehicles of site operatives and visitors

2) Loading and unloading of plant and materials

3) Storage of plant and materials used in constructing the development

4) Wheel and underbody washing facilities

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO