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**Your Reference**  
17/30285/PREAPP

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**PROPOSED SURFACE CAR PARK EXTENSION AND ASSOCIATED WORKS AT MANNINGTREE STATION, STATION APPROACH, OFF A137, MANNINGTREE, ESSEX CO11 2LH.**

**PART 8 OF SCHEDULE 2 FOF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 – CLASS A (RAILWAY OR LIGHT RAILWAY UNDERTAKINGS).**

Dear Mr Forrester,

Mott MacDonald Limited has been instructed by Greater Anglia ("GA" hereafter) to provide planning advice in respect of a surface car park expansion at Manningtree Station necessary in order to fulfil a franchise committed obligation. The purpose of this letter is to provide details of the development proposals and seek confirmation from Tendring District Council ("the LPA" hereafter) that an extension to the existing ground level car park is permitted development under Schedule 2 Part 8 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO" hereafter).

At present, the car parking at Manningtree Station provides a total of 570 parking spaces with 4 no. DDA compliant spaces and is currently operating over-capacity hence a car park expansion Scheme is required to meet current and future demands for park and ride facilities.

**Proposed Development – Summary of Works**

The proposed Scheme is current at feasibility stage and therefore a complete design is yet to be confirmed. However, the development will principally comprise an at grade car park extension at land to the south of the existing surface car park. It is also proposed that the existing at grade car park is remodelled to ensure all existing bay sizes comply with current standards and that additional spaces are provided. Other works associated with the car park expansion include the resurfacing, white lining of the existing car park areas and the installation of drainage.

**Planning History**

A review of the Tendring District Council online planning database has been undertaken and shows that a Lawful Development Certificate (LDC) was granted (ref: 07/01991/LUPROP) for a proposed single storey decked car park over the existing surface level car park. The decision notice confirms that the LPA concluded that Network Rail and London Eastern Railway Ltd. (the rail operator at the time of the application) were statutory undertakers for the purpose of railway undertakings and so are entitled to the Permitted Development (PD) Rights contained Part 8 Class A of the GPDO.

## The need for planning permission

Planning permission is required for 'development' which as defined in S.55 of the Town and Country Planning Act 1990 (as amended) ('TCPA' hereafter) consists of '*... the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.*'

It is acknowledged that the construction and use of a surface car park expansion would constitute a building / engineering operation and, therefore, falls under the definition of 'development' meaning that planning permission is required.

## Permitted Development Rights

Class A of Schedule 2 Part 8 of the GPDO confirms that '*development by railway undertakers on their operational land required in connection with the movement of traffic by rail*' is permitted development.

It confirms that development is not permitted by Class A if it consists of or includes (c) *the construction or erection otherwise than wholly within a railway station of – (ii) a car park, shop restaurant, garage, petrol filling station or other building or structure provided under transport legislation.*

### 'Railway Undertaker'

To qualify for permitted development, GA must be a railway undertaker as noted in the GPDO. S.262 (1) of the TCPA confirms that a railway undertaker is a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator.'

GA is a railway undertaker as per the above definition and therefore, qualify to use Part 8 Class A PD rights. This is also reinforced through the evidence provided in the planning history search and the receipt of a Lawful Development Certificate for a separate car park scheme adjacent to the site delivered through the PD process.

### 'Operational Land'

As stated above, it is our view that GA are statutory railway undertakers by definition of S.262 (1) of the TCPA. In accordance with S.263 of the TCPA, GA's operational land comprises land which is used for the purpose of carrying on their undertaking and land in which an interest is held for that purpose.

S.264 of the TCPA sets out cases in which land is to be treated as not being operational land. This includes that of which is held by statutory undertakers for the purpose of carrying on their undertaking and (a) the interest was acquired by them on or after 6th December 1968 or (b) it was held by them immediately before that but the circumstances were then such that the land did not fall to be treated as operational land for the purposes of the Town and Country Planning Act 1962.

However, exceptions to these provisions are where there has at some time been, in force with respect to it, a specific planning permission for its development, and that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertaker's undertaking.

When applied to the land at Manningtree Station, the site falls within the GA's leasehold boundary, as shown in the enclosed land ownership plan.

It is considered that 'operational land' comprises land which the undertaker now owns for future operations. This is reinforced in *R. v Minister of Fuel and Power Ex p. Warwickshire CC [1957] 1 W.L.R. 861; 8 P. & C.R. 305* which concludes that the words 'operational land' include not only land which statutory undertakers have already begun to use for the purpose of the undertaking but land which they intend to use in the future.

It is noted that Network Rail acquired the land in June 1847 and GA now holds a leasehold of the land and the wider station area for its current and future operational requirements, following the transfer from Network Rail. The car park expansion site is currently unused, however, was transferred to GA with the intention of being used for future operational purposes pertaining to Manningtree Station, including the expansion of its existing parking facilities.

For these reasons, it is of our opinion that the car park is situated on operational land for GA to exercise their railway undertakings and PD Rights set out in Schedule 2 Part 8 Class A of the GPDO.

*'Required in connection with the movement of traffic by rail'*

Development under Class A Part 8 of the GPDO is permitted so long as it is required in connection with the movement of traffic by rail.

When applying the 'broad common sense' to construction of the PD rights, provided in *English Clays Lovering Pochin & Co. v. Plymouth Corporation* [1973] 2 All E.R 730, a railway station car park is considered as being required in connection with the movement of traffic rail. It is our view that this same principle would apply to an expansion Scheme at Manningtree Station insofar that a car park would enable car users to park up and continue the rest of their journey by rail. Any doubt of this is removed in Part A.1 which explicitly contemplates car parks that are wholly within a railway station.

It is also noted that the existing park is integral to the operation of the car park and necessary for its function and allow people to arrive by car. Hence, for these reasons the car park expansion is required for the movement of traffic by rail.

*'Wholly within a railway station'*

Neither the GPDO or the TCPA provide a definition which constitutes a 'railway station'. However, S.83 of the Railways Act 1993 confirms that a station comprises 'any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes'.

Furthermore, there is legal precedent for a broader view of railway stations. In *South Eastern Railway v Railway Commissioners* (1880) it was concluded that '... the term (station) is not in ordinary sense used as a description merely of the actual structures of the station; but as the description of a space actually set apart for, and generally used as, a resting place for traffic, or a place for dealing with it in a particular way, although every part of the space is not covered with or used for passing along or for deposit.'

It is evident in the above legislation and caselaw that the extent of a railway station, by definition, encompasses a broader area of land than just the station building and platforms and includes car parks. For this reason, the proposed car park at Manningtree Railway Station is situated wholly within the railway station.

**AONB considerations**

The GPDO also removes PD rights for certain types of development where the proposed works are situated on a site pertaining to a special designation, referred to as Article 2(3) land, which includes Areas of Outstanding Natural Beauty (AONB).

It is acknowledged that the Site is situated within the Dedham Vale Area of Outstanding Natural Beauty (AONB), and therefore is situated in Article 2(3) land and some permitted developments are removed. However, such exclusions to permitted development are not applied to those contained within Schedule 2 Part 8 Class A. GA's permitted developments are therefore not restricted by Article 2(3) land.

## Summary

Mott MacDonald Limited has been instructed by GA to provide planning consultancy services in respect of the proposed at grade car park expansion at Manningtree Station. This letter has provided the background the proposals and demonstrated that the construction of a surface car park expansion at the Station is permitted development.

The letter has considered the key components of Schedule 2 Part 8 Class A of the GPDO and has demonstrated that the Scheme satisfies all the requirements to ensure that it is permitted development. It finds that Greater Anglia are a statutory railway undertaker and the location of the Scheme is on their operational land. It has been concluded that, when applying the common-sense approach, a car park is required in connection with the movement of traffic by rail. The PD rights also require the development to be contained *wholly within a railway station* and as discussed beforehand, car parks are captured in the definition of a railway station. It is for these reasons that we consider that the proposed development can be delivered through the permitted development process.

We kindly request that the Council provides written confirmation on whether the car park expansion Scheme at Manningtree Station, as set out in this letter, can be lawfully constructed using the permitted development rights provided in Schedule 2 Part 8 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Should you have any queries regarding this letter, please contact us on 0121 234 1500.

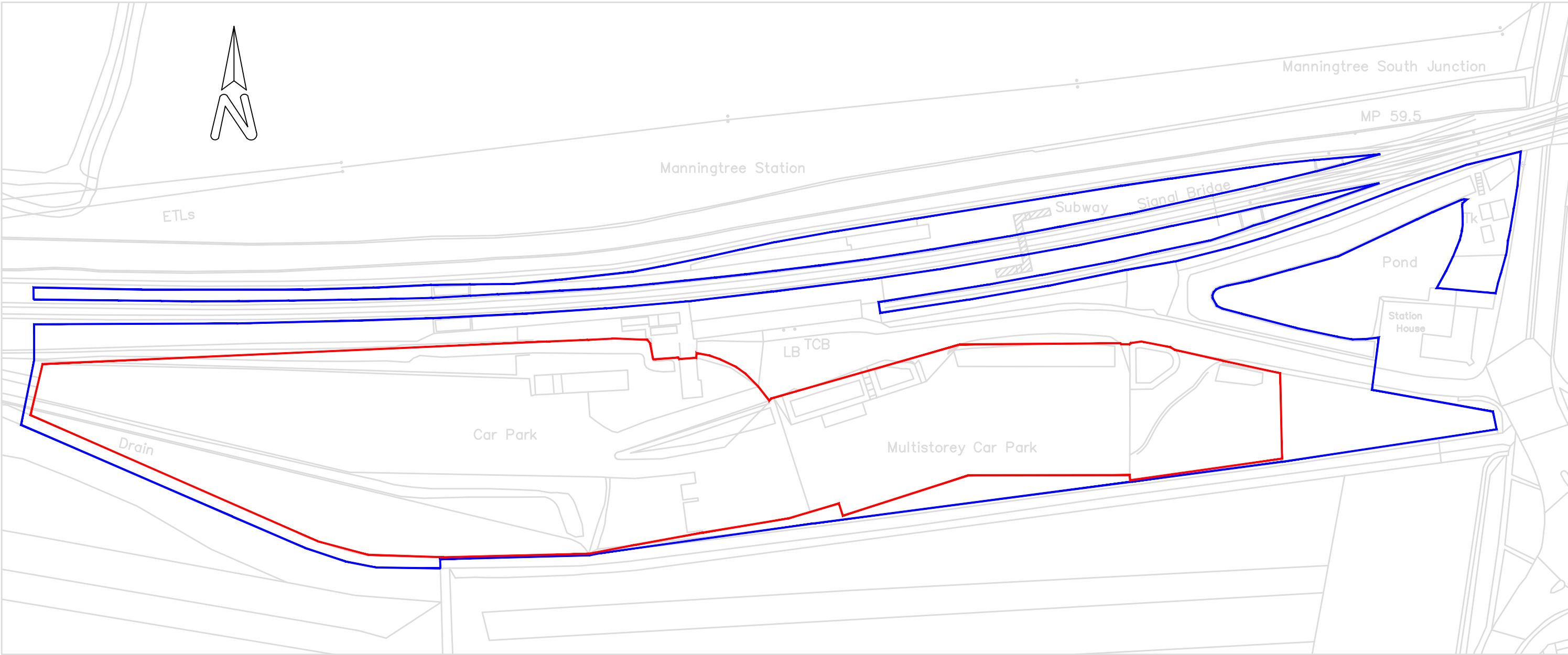
Yours sincerely,



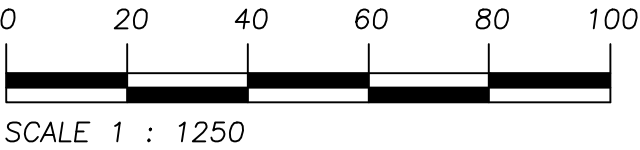
**Paul Ellingham**  
Planning Director  
paul.ellingham@mottmac.com

## Enc.

GA Land Ownership Plan (Drawing No. 01\_MNG\_LOCATION PLAN)



— LEASE BOUNDARY  
— SITE LOCATION



drawing status FOR DISCUSSIONS PURPOSES ONLY			
drg No	01_MNG_LOCATION PLAN	rev	/
date	07.04.17	scale	1:1250
drawn	DW	Checked	--

Job title	MANNINGTREE STATION STATION APPROACH CO11 2LH
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Dwg title	PROPOSED CAR PARK DECK EXTENSION & REMODELING OF EXTG FORECOURT LOCATION PLAN
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rev	date	by	description
greateranglia			