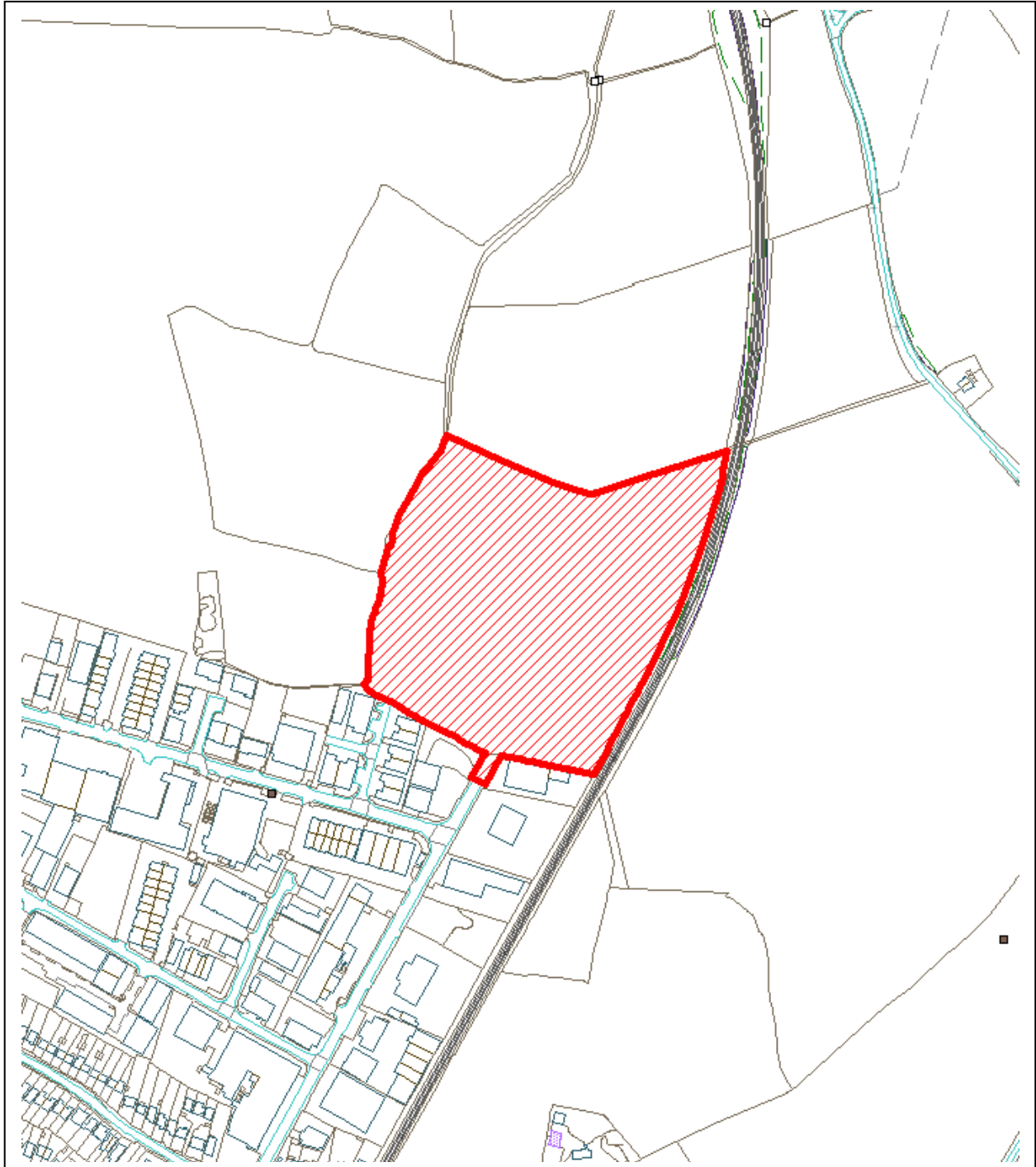


**PLANNING COMMITTEE**

**12 JUNE 2012**

**REPORT OF THE TEMPORARY HEAD OF PLANNING**

**A.2 PLANNING APPLICATION - 12/00026/OUT - LAND NORTH OF TELFORD ROAD, GORSE LANE INDUSTRIAL ESTATE, CLACTON ON SEA, CO15 4LP**



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<b>Application:</b>	12/00026/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mifield Ltd	
<b>Address:</b>	Land North of Telford Road, Gorse Lane Industrial Estate, Clacton-on-Sea, CO15 4LP	
<b>Development:</b>	Extension to industrial estate	

## 1. **Executive Summary**

- 1.1 This outline application is before Members as it proposes a 6.9ha extension to the Gorse Lane industrial estate that sits adjacent to, but outside of the development boundary and is therefore a departure from the Development Plan.
- 1.2 The application has come with supporting information that shows that there is a reasonable chance of the scheme being delivered. The site forms a natural progression of the existing industrial estate and sits in an area that is away from residential neighbours. The site is not prominent in the landscape nor is it of any particular importance in terms of biodiversity. The access is acceptable in highway safety terms. No objections have been received.
- 1.3 The scheme will have a negative impact on the open character of the Public Right of Way but retains the definitive route. The economic benefits of this scheme outweigh the harm to the setting of the Public Right of Way.
- 1.4 The scheme is compliant with the overarching sentiments of the NPPF as it will help facilitate economic development and therefore a departure from the Development Plan is justified in this instance.

### **Recommendation: Approve**

#### **Conditions:**

1. Time Limit (1 year as detailed in report below).
2. Approval of reserved matters.
3. Prior approval of landscaping scheme for planting belt.
4. Provision of landscaping scheme and protection of existing trees.
5. Reptile condition suggested by extended phase 1 habitat study.
6. Prior approval of details from the protection of the Public Right of Way.
7. Prior approval of wheel washing facilities.
8. Grampian style condition for off site highways matters including:
  - a. Completion of new footway on west side of Telford Road
  - b. Upgrade of two nearest Stephenson Road bus stops.
  - c. Dropped kerbs and tactile paving in Stephenson Road.
9. Prior approval of archaeological written scheme of investigation.
10. Prior approval of surface water drainage scheme.
11. Prior approval of foul water strategy and pollution control to the water environment.
12. Prior approval of a scheme of water, energy and resource efficiency measures.
13. Prior approval of a phasing strategy for the development of the site.
14. Condition restricting uses to B2 and B8 (excluding B1 offices).

**Reason for approval:**

The application has come with supporting information that shows that there is a reasonable chance of the scheme being delivered. The site forms a natural progression of the existing industrial estate and sits in an area that is away from residential neighbours. The site is not prominent in the landscape nor is it of any particular importance in terms of biodiversity. The access is acceptable in highway safety terms.

The proposal will have a negative impact on the Public Right of Way, but as the scheme is compliant with the overarching sentiments of the NPPF as it will help facilitate economic development, this harm is outweighed and a departure from the Development Plan is justified.

**2. Planning Policy**

National Policy:

National Planning Policy Framework

Local Plan Policy:

*Tendring District Local Plan 2007*

- QL9 Design of Development
- QL10 Designing New Development to Meet Functional Need
- QL11 Environmental Impacts and Compatibility of Uses
- ER7 Business, Industrial and Warehouse Proposals
- TR1A Development Affecting Highways
- TR2 Travel Plans

**3. Relevant Planning History**

There is no relevant planning history on this site.

**4. Consultations**

County Archaeology            The Historic Environment Record shows the proposed development to lie in an area of known archaeological potential. Cropmark evidence of a ring ditch, ditched enclosure and associated field boundaries indicate significant below ground archaeological remains including a probable prehistoric settlement and burial(s) and associated field system (EHER 2979).

Recommendation: Excavation

‘No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority’

Environment Agency	No objection subject to conditions being imposed that require prior approval of a pollution prevention and control strategy and details of sustainable design and construction.
Policy Section	<p>Whilst the Council's Employment Study suggests that the industrial and warehousing sector is unlikely to grow significantly in Clacton between 2011 and 2031, reflecting a national decline, the Council is seeking to retain a flexible supply of land to accommodate industry and warehousing proposals that would bring additional jobs to the area if economic conditions change.</p> <p>The most appropriate locations for businesses of this type in Clacton are Oakwood and Crusader Business Park and Gorse Lane Industrial Estate in the north-west of the town which is relatively unaffected by significant physical and environmental constraints and provides the best access to the strategic road network for heavy goods vehicles.</p> <p>The proposal is contrary to policies outlined in the Tendring District Local Plan (2007), however, the Council is seeking to identify deliverable land for the expansion of this key industrial area through the LDF process for development in use classes B1(b&amp;c), B2 &amp; B8 which primarily include light industry, research and development and warehousing. Given that the proposal seeks to address an immediate need and the applicant has put forward reasonable evidence of end-users to ensure delivery of this development I do not raise any objections to the proposals outlined in the above application.</p>
The Ramblers Association	No comment to date.
Asset Management Team	No comment to date.
Environmental Health	Pollution and environmental control have no comments to make at this stage.
Regeneration	This application is fully supported by Regeneration as it delivers new industrial land opportunities, some of which will be suitable for "storage or bad neighbour...type uses". Many of which currently exist on the wider Gorse Lane estate. There are letters of support from local companies wishing to expand their operations on to this site, which would thereby allow the district to retain these businesses and the job expansion opportunities that would directly result. The relatively small site, 7ha, represents a suitable expansion for the existing Gorse Lane estate and has the potential to differentiate from the other allocated employment sites in the current Local Plan by offering opportunities for open storage and non conforming uses. Whilst contrary to policy, it provides elements of flexibility and deliverability in response to identified immediate need.
Principal Tree & Landscape Officer	<p>The main body of the land is used for agriculture and has no landscape features.</p> <p>The southern and western boundaries have reasonable well established hedgerows and several mature Oak trees situated within the hedge line. The hedgerow and tree cover on the northern boundary is more 'gappy' and the eastern boundary with has little in the way of vegetative cover.</p>

In principle the proposed development could take place without harm being caused to the perimeter vegetation.

If consent were to be granted then a condition should be attached to address landscaping issues that would involve the retention and strengthening of the trees and hedgerows on the perimeter of the site. The treatment of the boundary is likely to be of prime importance in landscape terms.

The condition should also address the need to secure new planting and landscaping of the whole site. It will be important to include provision for trees and shrubs in prominent locations to soften the appearance of the industrial estate.

The Visual Impact Assessment (VIA) establishes that the development proposal will not have a significant detrimental impact on the character or appearance of the Countryside.

Anglian Water Services Ltd	Conditions requiring the prior approval of schemes to demonstrate how foul sewerage and surface water will be dealt with are requested to be imposed.
ECC Highways Dept	The Highway Authority would not wish to raise an objection to the above application subject to conditions.
Essex Wildlife Trust	No comment to date.
Natural England	This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The applicant must confirm that the existing trees on the western boundary are retained.
Network Rail	After careful consideration of the application, Network Rail has no further observations to make.
Arch. Liaison Off, Essex Police	No comment to date.
Essex Bridleways Association	No comment to date.

## 5. **Representations**

No representations were received.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Description;
- Environmental Impact Assessment (EIA) Screening;
- The Proposal;
- Justification, Need and Deliverability;
- Time Limit;
- Acceptability of Location;

- The National Planning Policy Framework (NPPF);
- The Public Right of Way;
- Other Highway Matters;
- Biodiversity; and,
- Landscape Impact.

### **Site Description**

- 6.2 The site covers 6.9 hectares and comprises an agricultural field and surrounding native hedge that is interspersed with trees. The train line makes up the eastern boundary of the site. Access is from the dead end to the north of Stephenson Road. This runs across TDC owned land which is subject to a separate agreement that is in the process of being negotiated. A Public Footpath runs up from Stephenson Road, then turns east to run along the southern boundary then turns north along the eastern boundary. The site slopes gently to the south. There are no important landscape features on site.

### **Environmental Impact Assessment (EIA) Screening**

- 6.3 This application was screened at registration stage against the criteria set out in the Town and Country Planning (EIA) Regulations and it was decided that due to the scale of the development and the position of the site away from sensitive areas an EIA was not required. Natural England has confirmed that they do not consider this proposal to amount to EIA development.

### **The Proposal**

- 6.4 Outline consent is sought for an extension to the Gorse Lane industrial estate with all matters apart from access reserved for future consideration. This means that the new access which is proposed from the dead end to the north of Stephenson Road is for consideration but the specific layout of the estate, the appearance and scale of the buildings, the layout past the access and the landscaping is not for consideration at this stage. Indicative drawings have been submitted to give an indication of how the units will be laid out, will appear and will be landscaped. The parameters set out in the Design and Access Statement state the buildings will have an eaves height of 3.8 metres and a ridge height of 5.2 metres. The suggested elevations are of a standard industrial building.

### **Justification, Need and Deliverability**

- 6.5 The site sits adjacent to, but outside of the development boundary and is therefore a departure from the saved Local Plan. When assessed against the relevant direction this is not a scheme that will need to be referred to the Secretary of State through the 'call in' process (The Town and Country Planning (Consultation) (England) Direction 2009) as it does not fall within any of the call-in criteria.
- 6.6 This application has come with a detailed supporting statement to justify the need for the units. It was also accompanied by a set of letters from businesses that are already located on the Gorse Lane industrial estate who are looking to expand their operations. The very fact that in the current economic climate an application can be submitted that has the written support from 5 companies who are looking to take sections of the site on demonstrates that this scheme has a good chance of coming to fruition.
- 6.7 No objections to this departure from the saved Local Plan have been raised by the Planning Policy team and the scheme is supported by Regeneration.

### **Time Limit**

- 6.8 As a departure from the saved Local Plan this scheme is only acceptable if it is likely to be delivered. Therefore Officers recommend that instead of the usual 3 year time limit, a 1 year time limit is imposed. Then if there does not turn out to be the commercial appetite for such a development the consent will expire. A condition of this nature is considered reasonable by virtue of the justification of the schemes deliverability that the supporting statement sets out.

### **Acceptability of Location**

- 6.9 In terms of location, the expansion to the north can be viewed as a natural progression of the existing industrial estate. As its is not bounded by any residential neighbours it is an ideal site for the 'Bad Neighbour' B2 uses that are very difficult to locate without causing significant material harm.

### **The National Planning Policy Framework (NPPF)**

- 6.10 This scheme sits comfortably with the overarching sentiments of the NPPF. Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity. Paragraph 21 requires LPA's to support existing business sectors, taking account of whether they are expanding or contracting.

### **The Public Right of Way**

- 6.11 This application will have a significant impact on the footpath that runs along the boundary of the site. The footpath will not be as pleasant to use and will be somewhat enclosed and intimidating as it will pass between two industrial sites and then turn to pass between the train tracks and an industrial site.
- 6.12 The County Public Rights of Way officer has visited the site and considered the scheme to be acceptable. County have requested a condition that will detail the measures that will be taken to protect the Public Right of Way – for example additional landscaping on either side. It is recommended that this condition is imposed.
- 6.13 The supporting information details that it may be possible to divert the footpath through the new industrial estate at a later date, however if Members approve the scheme before them this would not have to happen and may not acceptable in highways safety terms anyway. Therefore Members must weigh up the scheme as it stands. Your Officers consider that the potential economic benefits of the scheme outweigh the harm to the setting of the footpath.

### **Other Highway Matters**

- 6.14 This application has been accompanied by a detailed transport assessment. The Highway Authority considers that the scheme is acceptable in highway safety terms, subject to the conditions noted above.
- 6.15 Paragraph 36 of the NPPF requires the facilitation of sustainable means of transport via a Travel Plan. In line with the NPPF the Highway Authority required a Travel Plan for this development and therefore a legal agreement between the Essex County Council and the applicant has been entered into to ensure one is provided.
- 6.16 A Grampian style condition will also facilitate a number of off site highway works as listed above.

### **Biodiversity**

- 6.17 The extended habitat survey provided concludes that the application site is generally of moderate ecological value. It does recommend that the existing boundary trees in the western boundary are retained for the benefit of bat roosting. The agent has confirmed that all trees and hedgerows along the western boundary will be retained and will be supplemented by the 10 metre deep planting belt that will also run around the northern boundary. It is envisaged that the existing gappy hedge planting along the edge of the PRoW on part of the southern boundary and the boundary with the railway will be retained as part of the measure that will be conditioned to preserve the setting of the PRoW.
- 6.18 The extended habitat survey concluded that it was unlikely that there was any more than the occasional reptile present on site as the grass verges are not large enough to support an established population; however it has recommended a particular method for any verge clearance to allow any reptiles present to move off the land without being harmed. It is recommended that this is secured by condition.
- 6.19 This scheme will require the removal of some of the hedging on the southern boundary to the west of the access. As the plans show that it is the intention for the existing use to the south to extend northwards (A1 Car and Van Rentals) it would not be reasonable to expect the hedge to be retained. This is native hedging and although its loss is regrettable it will be compensated by the provision of the extensive planting belt that will be secured by condition.
- 6.20 Therefore this application will not have a materially harmful impact on biodiversity.

### **Landscape Impact**

- 6.21 Following the Landscape and Tree Officer's consultation response a Visual Impact Assessment has been carried out. It concluded that this scheme would not have a materially harmful impact on the wider landscape and the Landscape and Tree Officer agrees with these findings.

### **Background Papers**

None.