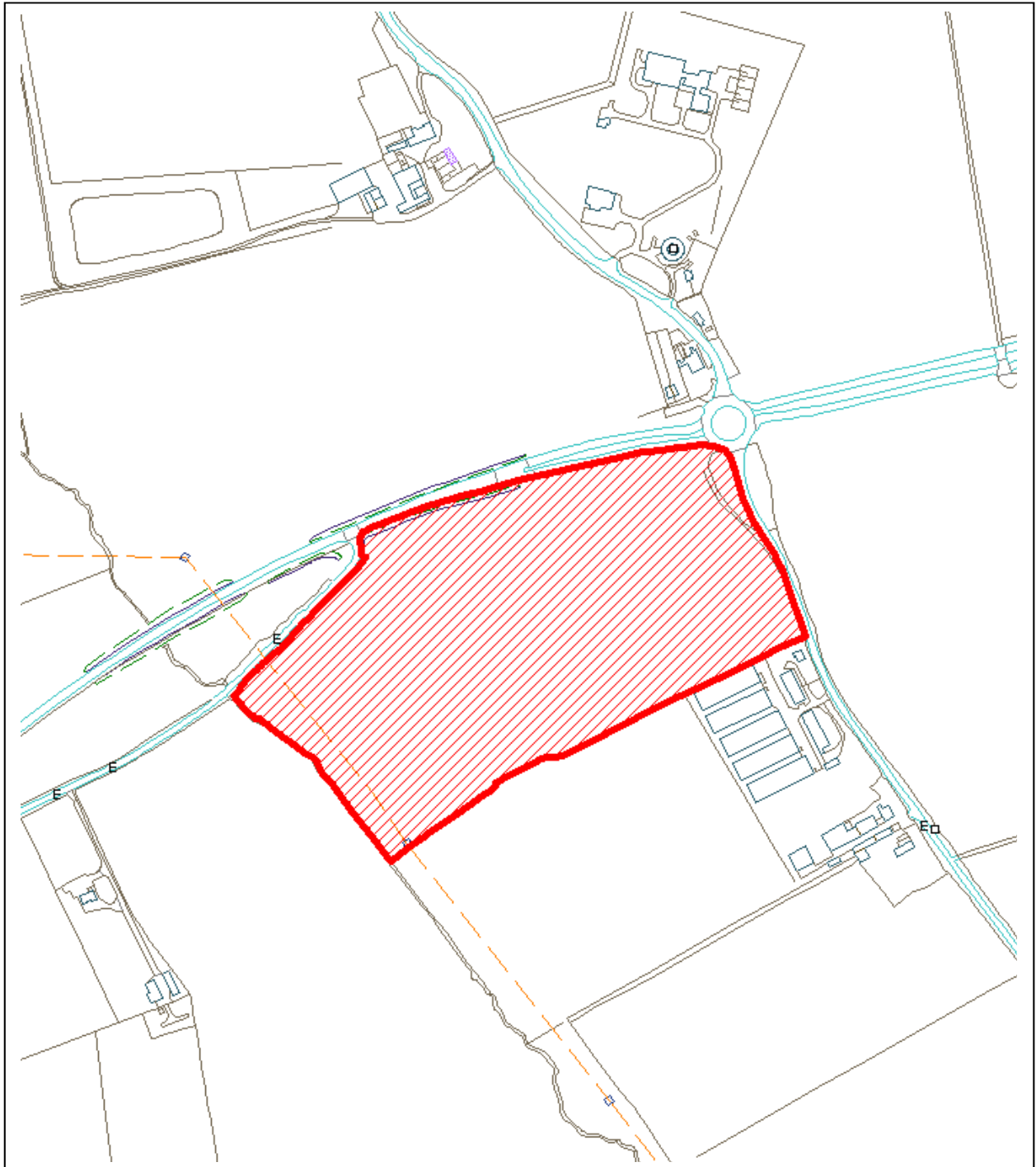


PLANNING COMMITTEE

11 NOVEMBER 2014

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATION – 14/01296/DETAIL - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT, CLACTON ROAD, HORSLEY CROSS, CO11 2NZ



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Application:	14/01296/DETAIL	Town / Parish: Mistley Parish Council
Applicant:	Tendring Communications Ltd	
Address:	Land South West of Horsley Cross Roundabout, Clacton Road, Horsley Cross CO11 2NZ	
Development:	Erection of 30m high telecommunications mast.	

1. Executive Summary

- 1.1 The application is submitted following the grant of outline consent for up to 28,280m² of commercial floor space for Class B2 (General Industrial) and Class B8 (Warehouse and Distribution) uses; a bus depot; and 30m high telecommunications mast. Members will recollect that the outline application (13/00745/OUT) was considered by the Planning Committee on 4 February 2014 where it was resolved to grant outline planning permission subject to the completion of a Section 106 legal agreement and a number of controlling conditions. The Planning Committee also resolved that all future applications dealing with the approval of reserved matters should be presented to the Committee for consideration.
- 1.2 The legal agreement was subsequently completed and outline planning permission was granted on 4 August 2014.
- 1.3 The outline consent included approval of the access. All other matters were reserved for future consideration.
- 1.4 This application represents the first of the reserved matters applications.
- 1.5 The proposed development, accords with the NPPF and the adopted and emerging local plans which, amongst other things, supports the provision of high quality telecommunications infrastructure.
- 1.6 The recommendation is to approve reserved matters details for the erection of a 30m high broadband mast.

Recommendation: Approve reserved matters subject to conditions.

Conditions:

1. Standard time limit for commencement
2. Development to be undertaken in accordance with the approved plans
3. Materials in accordance with the approved plans
4. Highway conditions to provide safe access until the access is provided for the wider comprehensive development of the site

2. Planning Policy

National Policy:

The National Planning Policy Framework (NPPF)

The NPPF sets out the government's commitment to securing economic growth in order to create jobs and prosperity and ensuring that the planning system does everything it can to support that aim. For local planning authorities this includes drawing up Local Plans that positively and proactively encourage sustainable economic growth, identifying sites to attract local and inward investment and containing policies flexible enough to respond rapidly to changes in economic circumstances.

It also encourages Councils to support the expansion of electronic communications networks, including telecommunications and high speed broadband. The NPPF recognises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks plays a vital role in enhancing the provision of local community facilities and services.

Tendring District Local Plan 2007

The Council's 2007 Adopted Local Plan is the statutory development plan for Tendring. Although the plan was only designed to last until 2011, the policies within it were 'saved' through a direction by the Secretary of State, allowing the Council to use them for an extended period of time while a new plan was being prepared. In accordance with national policy, the Council can only give due weight to the policies in the Adopted Local Plan according to their degree of consistency with the NPPF.

The following policies are considered relevant to this planning application:

Policy QL11 – 'Environmental Impacts and Compatibility' requires developments to be of a scale and nature appropriate to the locality, to avoid material loss or damage to important environmental assets, to avoid damaging levels of pollution and to ensure that the health, safety or amenity of occupants of the development will not be harmed by pollution.

Policy EN1 – 'Landscape Character' seeks to protect the quality of the district's landscape and its distinctive local character will be protected and where possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Amongst other things, particular regard will be had to conserving skylines and prominent views including those of ridge tops and plateau edges.

Tendring District Local Plan Proposed Submission Draft 2012 (as amended through Pre-Submission Focussed Changes 2014)

The NPPF allows Councils to apply policies in emerging Local Plans with varying degrees of weight depending on how far they have advanced through the Local Plan process, how well they fit with the thrust of national policy and how many objections remain 'unresolved'. The relevant policies from the 2012 Draft Local Plan, as amended through the 'Pre-Submission Focussed Changes' are listed below:

Policy PRO2 – 'Improving the Telecommunications Network' supports proposals for telecommunications infrastructure so long as they avoid interference with electrical equipment and air traffic services and minimise visual impacts. The policy also requires new developments to be served by super fast broadband where possible.

Policy PLA5 – 'The Countryside Landscape' sets out the Council's requirements for developments to protect and, wherever possible, enhance the district's landscape and its distinctive local character.

Policy MLM6 – The preamble to this policy and the policy itself is set out in full in the assessment to this report. In summary, the policy allocates the application site for development in use classes B2 and B8 – restricting B8 use to 25% of the total commercial

floorspace, requiring access from the B1035, setting aside land adjoining the A120 to allow future widening and ensuring that the development would not jeopardise the upgrading of the A120 necessary for the proposed port expansion at Bathside Bay.

Other guidance

Landscape Character Assessment 2001 – the application site lies within the Holland Valley System and the Bromley Heaths Area. The latter area is recognised as being visually sensitive and sensitive to change as a result of its open and rural character. The landscape management strategy refers to the following issue that is of particular relevance to the current application:

- Particular care should be taken in the siting of communication masts or other vertical elements – these have the potential to be highly visible in this open landscape. This also applies for large scale rural buildings e.g. for agriculture.

3. Relevant Planning History

Planning Application 06/00891/OUT – refused planning permission following a Public Inquiry in 2008

- 3.1 The site was the subject of an outline application for employment purposes made by Green Transport Ltd (06/00891/OUT).
- 3.2 The application was called in for consideration at a Public Inquiry in March 2007. The Inquiry was then held in abeyance pending receipt of the binding Inspector's report into the Replacement Tendring District Local Plan (this document was adopted in November 2007). The Inquiry finally "re-started" in January 2008 and was heard between 22nd and 30th July 2008.
- 3.3 The Secretary of State refused the application.

Planning Application 12/00954/FUL - Use of land for additional car boot sales.

- 3.4 Part of the site was also refused planning permission in November 2012 for the use of the land for up to 28 car boot sales per year. The reason for refusal was based on the adverse impact that the proposal would have on highway safety and convenience on Clacton Road (the B1035). The Inspector noted that the site had been used for in excess of four years for boot sales for 14 days each year (and as such fell within permitted development rights). He concluded that

"Overall therefore, given that the proposal would not change the number of vehicles using the site on individual event days, that this level of use has not led to any reported highways problems in the past and that reasonable visibility splays can be achieved, I consider that, with appropriate conditions, the proposal would not have a harmful effect on highway safety or convenience."

- 3.5 The appeal was allowed and planning permission was granted on 2 October 2013.

Planning Application 13/00745/OUT- Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.

- 3.6 This application was granted outline planning permission on 4 August 2014 following a Planning Committee resolution on 4 February 2014.

4. **Consultations**

The application site is located within the parish boundary of Mistley, however, as the site will have implications for a wider surrounding area a number of nearby parish councils have also been consulted. The Parish Council's that have been notified are: Mistley; Great Bromley; Little Bromley; Little Bentley; Tendring; Wix; and Bradfield. The responses are reproduced in full below.

Town and Parish Councils

Mistley Parish Council	Mistley Parish Council supports this planning application.
Great Bromley Parish Council	No comments received.
Little Bromley Parish Council	Little Bromley Parish Council object to this application because it is detrimental to the landscape of the area and detrimental to the visual amenity.
Little Bentley Parish Council	No comments received.
Tendring Parish Council	No comments received.
Wix Parish Council	No comments received.
Bradfield Parish Council	No comments received.

Consultation Responses

Environmental Health	No comments received.
Regeneration	The Regeneration Team fully support this application as this mast will provide valuable telecoms infrastructure and superfast broadband for businesses across the District.
Ministry of Defence	The application relates to a site outside of MOD safeguarding areas. I can therefore confirm that the MOD has no safeguarding objections to this proposal.
Civil Aviation Authority	The requirement to inform the CAA of structures within the safeguarding radius is simply a notification procedure and does not lead to a safety assessment. It is the planning authority which is responsible for assessing the safety implications of proposed development by Code Systems Operators.
Arqiva	No comment received.
ECC Highways Dept	The Highway Authority raises no objection subject to:- <ol style="list-style-type: none">1. Prior to the commencement of the proposed development, the applicant shall provide a scheme for off street parking to accommodate service and maintenance workers in accord with current Parking

Standards which shall be approved in writing by 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 in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2. Prior to commencement of the proposed development, a vehicular turning facility for motor cars and service vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the proposed access from the proposed spine road being brought into use, vehicular visibility splays of 33m by 2.4m by 33m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. No development shall take place, including any works of 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 washing facilities

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

Informative: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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,
910 The Crescent,
Colchester.
CO4 9QQ.

Highways Agency

There should be no direct access to the A120. The mast should be at least its height away from the highway boundary. This is to ensure it doesn't conflict or cause any risk to the strategic road network.

5. Representations

5.1 3 representations were received in relation to this application.

5.2 The following main points were raised in **objection**:

- 2 masts and a water tower already exist in the vicinity that have telecommunications equipment on them. Existing structures could provide this facility and the mast is not necessary.
- It will be a blot on the landscape.
- TDC is already working with other partners to make sure residents and businesses don't miss out on broadband opportunities.
- Several exchanges have already been upgraded.
- The mast is a private enterprise and will have to be paid for by the user.
- Superfast broadband is already on the agenda in this area in 2016.
- There is no evidence that existing masts and structures have been considered.
- Queries how Mistley Parish Council can be in favour when it is so far from them and suggests that this is because the Planning Committee has a member from that parish.

6. Assessment

The Application

6.1 The application is made by Tendring Telecommunications Ltd. The application is for reserved matters approval for the siting, scale, and external appearance of a 30 metre high broadband mast.

6.2 The application is accompanied by the following drawings and documents:

- Site location plan
- Lattice mast general arrangement & details

6.3 The outline application proposal was screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011. Although the application proposals were in outline the Council considered that sufficient information regarding the scale and

nature of the development and the design/height of the mast were included to make a reasoned assessment of the likely environmental impacts. The Council determined that the proposal did not require the submission of an Environmental Statement. The scheme falls within Schedule 2 of the Regulations and having considered the development against the criteria contained within Schedule 3 based on factors such as nature; scale; size and location it was concluded that the development would not have significant effects on the environment. This is consistent with the view taken by the Planning Inspector that considered the previous outline application on this site at Public Inquiry in 2008 (albeit that this scheme did not include the erection of a telecommunications mast).

The Site

- 6.4 The application site is approximately 11.2 ha and is presently agricultural (arable) land. Part of the site is used for weekly car boot sales. It is in a rural area in the centre of the district and to the immediate south west of the A120 (T)/B1035 roundabout at Horsley Cross. Colchester is about 8 miles to the west and Harwich is about 9 miles to the east. The landscape within the vicinity of the site is characterised by large open fields, occasionally broken by small groups or individual buildings. The site is near the top of a plateau and is roughly rectangular in shape. It has a northern boundary with the A120 (T); a southern boundary to Kelly's Farm; the eastern to the B1035; and the western boundary to Holland Brook (this part of the site is crossed by electricity pylons). There is a fall of approximately 15 metres between the middle of the site and the western boundary.
- 6.5 The site is within open, largely flat countryside outside the settlement limits of any town or village. The site boundaries are devoid of any significant vegetation but there are some existing trees adjacent to the A120 roundabout and extending for a short distance down the B1035 and also adjoining the A120 closer to the Brook.
- 6.6 There is a small cluster of buildings, including The Cross pub; a farm to the north and some cottages and to the south is Kelly's Poultry Farm but most notable in terms of its visual impact is the water tower. Views of the former BBC mast at Bradfield are also clear from the site. There are no footways or cycle ways along either the A120 or the B1035. The A120 is dualled for a short section either side of the roundabout and the B1035 is a single carriageway rural road. The nearest village is Wix.

The Proposal

- 6.7 The description of the outline development is as follows:
- "Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses , a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements."
- 6.8 The proposed development is known as Tendring Europark.
- 6.9 The outline application included an illustrative masterplan that indicated the following:
- The overall total development will amount to 28,280 sq. Metres. Class B2 uses will amount to 18, 690 sq. Metres. Class B8 to 7, 070 sq. Metres and the bus depot will amount to 2, 520 sq. Metres.
 - This will be spread over ten plots. The exact location and size will be specifically designed for the proposed end user.
 - A 30 metre high telecommunications mast in the north east of the application site that will supply business grade broadband to the entire district (off site users will be able to access the service wirelessly).

- 6.10 Access to the wider site will be from a new roundabout junction from the B1035 Clacton Road. It will also provide pedestrian access to the site. Access to the mast is proposed from a temporary access until a permanent access is formed the estate spine road.
- 6.11 The masterplan considered as part of the outline approval showed the mast to the north east of the site in close proximity to the existing Horsley Cross roundabout on the A120 trunk road. This reserved matters application proposes the site of the mast to be to the southern boundary (closest to Kelly's Farm). This location will ensure that the comments of the Highways Agency can be complied with and will facilitate access from the B classified Clacton Road until access can be obtained from the estate spine road when the wider site development is implemented.
- 6.12 The 30 m high mast has a footprint of 1m by 1m and will be constructed of lattice metal (metallic grey in colour). It will be sited within a compound that will be 3m from the site boundary to allow for landscaping when the wider development scheme is implemented. The compound will measure approx 11m by 6.5 metres and will be enclosed by a 2 m high palisade security fence. A parking bay and turning area will be provided outside of the compound immediately to the north. A plant room measuring 2m by 3m and 3.5 m high will be provided within the compound to the east of the mast. It will be constructed of red face brick with a natural slate roof.

Planning Considerations

- 6.13 The main planning considerations are:
- National and Local Plan Policy
 - Design Principles and Landscape Impact

National and Local Plan Policy

- 6.14 The NPPF has at its centre the presumption in favour of sustainable development. Paragraph 14 explains that for decision making on planning applications this means:
- Approving development proposals that accord with the development plan without delay;
 - Where the development plan is absent; silent; or relevant policies are out of date, granting permission unless :
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate development should be restricted.
- 6.15 There are three elements to sustainable development: economic; social and environmental. Paragraph 7 explains that these dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available at the right places and at the right time to support economic growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.16 Paragraph 8 is particularly important as it says that :

“These roles should not be taken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system ..”

6.17 Paragraph 19 of the NPPF states that the: “Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”

6.18 This statement is not restricted to urban areas as the NPPF equally accepts the importance of providing development in rural areas.

6.19 Paragraph 42 of the NPPF recognises the vital role that the development of high speed broadband has in enhancing the provision of local community facilities; businesses and services.

6.20 This site forms the southern portion of a wider area of land at Horsley Cross allocated for employment use in the Tendring District Local Plan: Proposed Submission Draft (2012) – the ‘2012 Draft Local Plan’. This site is the subject of a specific Policy MLM6 ‘Development at Horsley Cross’. The principle of development was established with the grant of outline planning permission on 4 August 2014. The current application merely seeks approval of the siting, design and external appearance of the 30 m high telecommunications mast.

6.21 Policy PRO2 – ‘Improving the Telecommunications Network’ supports proposals for telecommunications infrastructure so long as they avoid interference with electrical equipment and air traffic services and minimise visual impacts. The policy also requires new developments to be served by super fast broadband where possible.

6.22 Other policies of the adopted and emerging local plans seek to protect the quality and character of the district’s countryside and landscape.

Design Principles and Landscape Impact

6.23 The outline application was accompanied by a Landscape Impact Assessment. The site is currently a relatively flat open field within a rural setting with only scattered development in close proximity. Whilst the site is not high quality agricultural land, any development is likely to have an adverse impact on the wider setting of the site and its surroundings. This was recognised by the previous Inspector’s decision. However, it should also be noted, that whilst the development surrounding the site might be limited, one of the existing built forms of development includes the highly prominent water tower. The Landscape Assessment accepted that views of the proposed 30 metre high broadband mast will be had from a wide range but that the structure is relatively light weight in its form and will be viewed in relation to the existing tall structure of the water tower. Structural landscaping is proposed around the site boundaries to take account of existing topography and it is anticipated by the applicant’s consultant that in the medium to longer term the built form will be less visible in

the landscape. The NPPF seeks to protect the most valued landscapes. Furthermore, the long term management and maintenance of the landscaping is controlled by way of the legal obligation and conditions of the outline planning permission.

- 6.24 The potential adverse impact on the landscape by virtue of the height of the mast needs to be weighed against the other economic; social and environmental benefits of the scheme and this adverse visual impact of the development is considered by officers to be outweighed by the numerous benefits of the scheme that are supported by national and local plan policy.

Conclusion

- 6.25 The site is allocated for employment use through Policy MLM6 of the 2012 Draft Local Plan.
- 6.26 The principle of development has already been established by the grant of outline planning permission. This application merely seeks the approval of the design, siting and external appearance of the broadband mast. It is acknowledged that the height of the mast will have an adverse visual impact on the landscape due to the defining characteristics of the open and flat landscape as it exists today. However, this has previously been weighed against the overarching aim of the NPPF that seeks to support sustainable social; economic and environmental growth wherever possible. The design, siting and materials of the mast are considered acceptable.

Background Papers

None.