

ADDENDUM REPORT

Planning Committee 7th July 2016



Item Number: 07

Site: The Former China Clay Dryer Works, Coypool Road.

Application Number: I6/00664/FUL

Applicant: Marshmills Limited

Pages: 117 - 132

Notice is given in the Committee report that further information may be received from the applicants as clarification of several matters had been sought. The applicants have done so and the details are provided in full as supplementary information on the planning website. The salient points are considered to be the following:

- 1) The applicants were asked to clarify how long “limited additional traffic movements are anticipated” for “general surveying and assessment works” and what such works would entail. In response they have stated:

“For clarity, the application is not seeking a temporary or time limited access, but for restricted access to the site for the purposes listed in the suggested planning condition. (i.e. not for the purpose of the China clay processing operations and access to the adjoining industrial land.) However, once an alternative access is secured via an application for the wider development of the site, the need to access the site from Woodford Avenue between numbers 73 and 91 is likely to be removed.”

Comment : It is considered that the applicants intention would be to continue using this access as specified by the applicants and described in the report, but without further clarification and for such a period until an approval is given to a planning application not yet submitted or considered.

- 2) A pedestrian only condition would not be acceptable to the applicants and they consider that the suggestion by Imerys for alternative access via Woodford Road for such access would not address the security issues. They state that the bungalow is not part of the site that is subject to the condition that they are seeking to be varied and as such they state that this is not material to the present application. They also state that the recent break in to site resulting in criminal damage to the bungalow would suggest that current safety regime is inadequate.

Comment: The current safety inspection regime detailed in the report was imposed by the applicants for security purposes. This may or may not have been effective but the salient point seems to be that this involved breaching a condition and an alternative condition restricting access to pedestrian access for security purposes would not be acceptable to the applicants. Such a condition therefore would not meet the tests set out in the National Planning Policy Framework (para 206)

- 3) The applicants consider that the arrangements made by Imerys for emergency services access via Coypool Road would not address their need for emergency access and it is still a requirement. They refer to their dispute with Imerys and state that they need to control access to their part of the complex.

Comment: It is noted that the applicant's views about emergency service access may vary from others (including those expressed by representatives of the Devon and Cornwall Police)

- 4) The applicants state that use of the access via Woodford Avenue had been enjoyed by their client's predecessors and they believe that there is a right of way over that land to access the China Clay Dryer site and a private land rights issue is not material to this application.

Noted.

RECOMMENDATION

The recommendation remains as within the report

LATE ST SUGGESTED CONDITION

Since drafting this addendum sheet further information has now been circulated to members by the applicants and the following suggested revised condition now requires consideration:

“Unless otherwise agreed with the Local Authority, access and egress to and from the site via the gated entrance between 73 and 91 Woodford Avenue shall exclude any activities related to clay drying operations or other operations ancillary to that use, and shall be restricted to pedestrian only access, save under the following circumstances;

Access for emergency purposes; and

Access for plant for the purposes of site investigations only, restricted to 12 movements in total into and out of the site over any 3-month period.

24 hours' notification shall be given to the Local Authority prior to any non-pedestrian access to the site (other than emergency vehicle access).”

Comment: The suggested requirements of such a condition are not precise and would be difficult to enforce and therefore would not meet the tests set out in the National Planning Policy Framework (para 206).

However, although access is still being undertaken without permission, the additional information relating to limiting the access is positive and I may be able to prepare an acceptable condition following discussion with colleagues and the applicant's agent prior to your meeting and will present this at the Committee meeting should members wish. At this stage the recommendation remains as in the report.