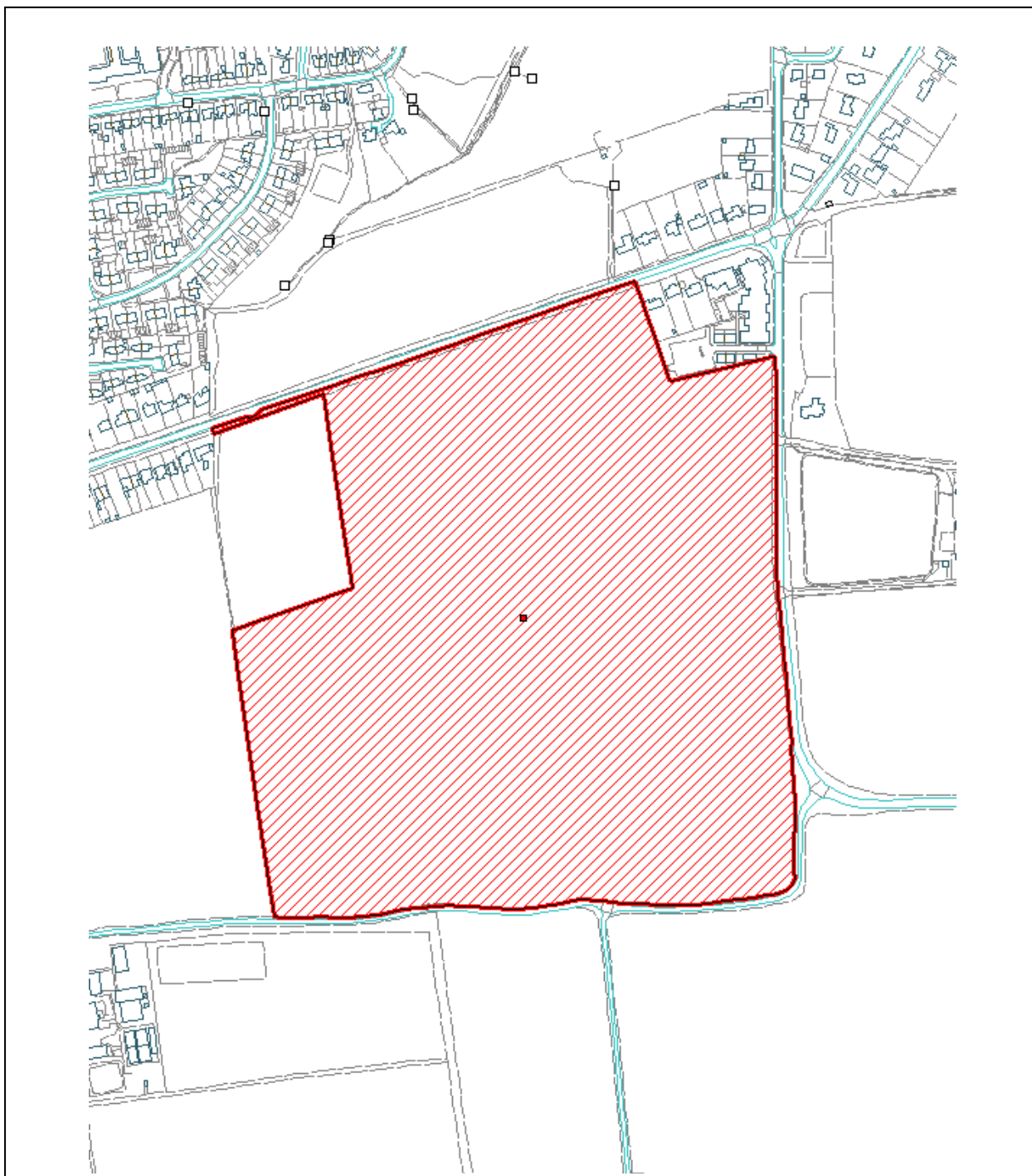


PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00535/DETAIL- LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN



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Application:	17/00535/DETAIL	Town / Parish: Mistley Parish Council
Applicant:	Mr Winsborough - Tendring Farms Ltd	
Address:	Land to The South of Long Road and to West of Clacton Road Mistley CO11 2HN	
Development:	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential Units and 162sqm A2 floor space following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT)	

1. Executive Summary

- 1.1 The site benefits from extant outline planning consent for 300 homes and 2 hectares of employment land. Application 17/01537/OUT for amendment of the parameter plans (Variation of Condition 4 of 15/00761/OUT) was approved by planning committee on 6th June 2018. Details submitted in respect of the application before planning committee are consequently in general conformity with the most recently approved parameter plans having particular regard to Access, Appearance, Landscaping, Layout and Scale.
- 1.2 This Reserved Matters application for Phase 1 relates to development of 96 residential units on the northern part of the site, which equates to approximately one third of the housing quota for the entire site and includes extensive landscaped areas adjoining Long Road and Clacton Road. An access off Clacton Road is also a reserved matter, details of the site access off Long Road being approved at Outline stage. The approved commercial development would form part of a future Phase of site development on land to the south.
- 1.3 **This application was presented to planning committee on 6th June 2018 and was deferred at the request of the committee** following their concerns that the juxtaposition of the proposed dwellinghouses with the countryside did not properly address the perceived need to soften the transition from countryside to built development, it being considered that this could be achieved by introducing lower rise (bungalow) development to the most visible parts of the site periphery. It was also considered that a small element of retail should be introduced into the scheme to afford future residents local shopping opportunity. All other matters relating to the design and layout of the development, landscaping and the relocation of the secondary access onto Clacton Road, were deemed to be acceptable.
- 1.4 In order to address the planning committee's concerns, **the applicant has lowered the height and amended the layout of the cluster of dwellinghouses arranged along the eastern fringe of the site bordering Clacton Road from 2 storey to 1 storey. Additionally the most dominant of the proposed dwellings on the northern boundary have also been reduced in height from 2 storey to 1.5 storey. In all, the height of 8 dwellings would be significantly lower.**
- 1.5 The introduction of A1 use retail development would at this stage run contrary to the terms of the original outline permission. In order to overcome this, it is intended that **the ground floor of the apartment building bordering the village square would be used as a marketing suite (162sqm) for the development, thus implementing the A2 Use approved at outline stage. Thereafter the A2 use could lawfully change to A1 retail use, in accordance with the terms of the General Permitted**

Development Order. In this instance the planning committee's preference for an element of retail use on the site would be secured by a condition to which the applicant has given their full support.

- 1.6 Although there have been representations from Mistley Parish Council and from four members of the public, the issues raised were largely dealt with at Outline planning stage and are considered not to be material to determination of this application.
- 1.7 The Council's Trees and Landscape Officer has not raised objection to the landscape strategy included in the Design and Access Statement, particularly as the amended plans would still allow for more than double the open space that is required by Local Plan policies and the green spaces would still be positioned and landscaped to minimise the visual and landscape impact of the development. However more comprehensive landscape details have been requested and this will be subject to condition.
- 1.8 Concerns that the reduction in open space might lead to recreational disturbance of protected habitats, particularly those in the vicinity of the Stour Estuary, have been mitigated by ensuring that the layout would incorporate a satisfactory amount of amenity land for the benefit of future occupiers of the development. Consequently Natural England has not raised objection.
- 1.9 Essex County Council Highways are satisfied that all of their requirements would be met in terms of access subject to retention of relevant conditions and legal agreements.
- 1.10 It is considered that in respect of Access, Appearance, Layout, Scale and Landscaping, the application has demonstrated that the development would be of high quality, would respond well to its surroundings and would be sustainable and as such, Reserved Matters can be agreed subject to imposition of conditions.
- 1.11 If the Committee endorses this recommendation, conditions would be imposed relating directly to the reserved matters under consideration, while conditions attached to the outline approval would still apply. The legal agreement for the original application which secures affordable housing, education, health and off-site highway contributions would also still apply and an additional legal agreement to secure the retail element would be enacted.

Recommendation: Approve

That the Head of Planning be authorised to grant approval of Phase 1 reserved matters in respect of access, appearance, landscaping, layout and scale for detailed planning permission for 96 residential units **and 162 sqm A2 floorspace** subject to conditions as set out below **and a condition to secure a change of use to A1 retail use upon cessation of the A2 use herein approved.**

All other planning conditions are to remain unchanged from the original outline planning permission as amended/superseded by planning permission 17/01537/OUT for Variation of Condition 4 of 15/00761/OUT as well as the completed s106 legal agreement to secure education contributions, affordable housing, open space and open space maintenance contribution, healthcare contributions and contributions towards highway improvements to the crossing at Manningtree Station.

Conditions:

1. Development in accordance with outline permission except as modified by this permission;
2. Development to be in accordance with the approved plans;
3. Site levels;
4. Estate Roads and Footway details to be submitted and approved
5. Estate Roads and Footways implementation and management
6. Vehicular access to dwellings to be constructed prior to occupation
7. No loose surfacing to parking areas, shared vehicular courts or vehicular accesses
8. Landscaping (Hard and Soft) details to be submitted and approved
9. Landscaping (Hard and soft) implementation and management
10. Open Space to include 'The Green' and Village Square' details to be submitted and approved
11. Open Space to include 'The Green' and 'Village Square' implementation, and retention
12. Lighting details to be submitted and approved
13. Removal of PD Rights
14. Obscure glazing to flank wall windows of House Type '4'.
15. A2 Marketing suite to revert to A1 use upon completion of development

2

Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan, it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role; and
 - an environmental role.

Status of the Local Plan

- 2.3 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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.

2.4 Tendring Adopted Local Plan Adopted 2007 Policies

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
HG3	Residential Development within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM1	Access for All
COM2	Community Safety
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8a	Proposed New Recreational Open Space
ER7	Business, Industrial and Warehouse Proposals
ER37	Small convenience Stores Outside of Centres
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
TR1a	Development Affecting Highways
TR3a	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

2.5 Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017

SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports and Recreation Facilities
LP2	Housing Choice
LP3	Housing Density Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL6	Strategic Green Gaps

3. Relevant Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.	10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to	Application appealed on the grounds of non-determination. Appeal withdrawn/application retrieved from Pins and re-

	300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	submitted as 16/00818/OUT	
16/00818/OUT	Resubmission of outline application 15/00761/OUT with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved 18.07.2016. Note: The approved application has retained the reference 15/00761/OUT. All S106 matters and subsequent applications refer to outline planning permission 15/00761/OUT.	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused 10.08.2017	
17/00535/DETAIL	Application for phase one reserved matters for access, appearance, landscaping, layout and scale for 96 residential units and 163m2 of retail space following outline planning permission 15/00761/OUT.	Current	
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 500 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Current	
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No; 001, Illustrative Masterplan - Drawing No; 002 and Landscape Plan - Drawing No; 003.	Approved	06.06.2018
18/00021/REFUSE	Planning Appeal in respect of	Withdrawn	

4. **Consultations**

Environmental Protection Regeneration Policy Section Tree & Landscape Officer	No comments received No comments received No comments received The applicant has provided confirmation that the trees with the greatest visual amenity value will be retained and physically protected during the period of development. In terms of the proposed changes to the open space the response provided by the applicant recognises that the application will result in a change that reduces the open space footprint and changes the character suggested with the outline application. However the response goes on to say that the quality and functionality will not be affected. Taking into account the information provided, especially relating to the amount of open space to be provided in relation to that required by the Local Plan: it is considered that an overall provision of open space, in the region of 25% of the development, is acceptable both in terms of amount and quality.
Anglian Water Services Ltd Babergh District Council	No comments received Babergh District Council does not wish to raise an objection to the application because it is considered that the proposal will not impact on Brantham because of the distance and location of the development.
Department For Environment Food and Rural Affairs (DEFRA)	No comments received
Essex Bridleways Association Essex County Council Archaeology	No comments received The application seeks approval of reserved matters for application 15/00761/OUT. A full archaeological condition was applied to the 2015 application on the basis of the high archaeological potential identified on the HER and through a programme of geophysics survey. A programme of archaeological trial trenching and excavation was recommended to satisfy this condition. This work has not yet taken place and Condition 20 of 15/00761/OUT has not been discharged. Until this work is completed the above application cannot be approved. Unable to comment as a programme of archaeological trial trenching and excavation secured by condition has not yet taken place.
ECC Highways Dept	The Highways Officer initially responded that: 1) The junction with Long Road should be to standard showing an access measuring 6.75m in width and providing 2x2m footways, visibility splays measuring 2.4m x 120m. 2) The initial junction just south of the main access point should only be a 'cross road' style if accompanied by a central island. Otherwise, this junction should be staggered. 3) The 6.75m wide carriageway should extend throughout the phase to be linked in with future phases and the adjacent site

whereupon a suitably constructed bus route will be available in the future.

4) The 2m footways as shown are sporadic all Footways should be continuous throughout the development.

5) For properties in close proximity to the highway, a 0.5m clearance should be provided in order to avoid structural oversail.

6) Carriageways should provide centre-line radii of no less than 13.6m

7) Apart from the main spine road, all carriageways should measure 5.5m in width.

Following submission of amended drawings and clarification from the applicant the Highway Officer has responded that:

'All items are now shown or are controllable via existing conditions'.

Essex County Fire Officer	No comments received
Environment Agency	No comments received
Essex Wildlife Trust	No comments received
Natural England	No comments received
The Ramblers Association	No comments received
ECC SuDS Consultee	No comments received
NHS East Essex CCG	No comments received
Cadent Gas	Has not objected but has advised that a mains supply running along the eastern site boundary may need diversion due to construction of the access from Clacton Road.
National Grid	Has not raised objection but has provided guidance/informative

5. Representations

- 5.1 Mistley Parish Council has expressed concerns in respect of access in and out of the site and the effect of increase in traffic in the local area and specifically:
- (1) There has been no confirmation that there will not be a 'rat run' between the access from Clacton Road to the access to Long Road;
 - (2) Drawing 200 indicates that there will be access to the commercial area from Dead Lane;
 - (3) Long Road access needs a filter lane for vehicles coming from the west and turning into the development;
 - (4) There is a need to provide a right turning access for vehicles travelling south from the north into the access in Clacton Road; and
 - (5) Although access for pedestrians and cycles on-site is possible, there is no provision for cyclists off-site.
- 5.2 Four letters of objection have been received from members of the public. Matters raised include:
- (1) Brown fields should be used first. Green fields should only be used as a very last resort. If not, they'll continue to decay and be a scar in our landscape;
 - (2) Infrastructure should be addressed first. Trains are overcrowded and roads cannot take any additional traffic. Most pavements are too narrow for a family with young children. Cyclists, including in particular children travelling to school, are every day put

into danger by the lack of safe cycle paths and the bad condition of the roads. The developers and Government should pay for this;

(3) The area was designated as a green wedge between Lawford, Mistley and Manningtree;

(4) Objection to the proposed access onto Clacton Road – Other estates only have one main entrance so I don't see why a separate entrance onto Clacton Road is required. Vehicles crossing the road will be dangerous. This junction will cause congestion and the increase in in traffic will lead to environmental problems.

(5) The retail element will compete unfairly with the High Street which is already suffering from closures. Officer Note: The proposed retail element has been deleted from the application.

6.0 **Assessment**

The Application Site

- 6.1 The site comprises an agricultural enclosure, covering an area of approximately 23 hectares, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site rises gently from its northern boundary towards the south but then falls to a relatively flat plateau over the southern part of the site. With limited boundary hedging and vegetation, the site is very exposed to public view from vantage points within Long Road and Clacton Road.
- 6.2 To the west of the site, planning permission has been granted but not yet implemented for major mixed-use development including up to 360 dwellings in accordance with 15/00876/OUT. The northern part of the site adjoining Long Road together with land to the north of Long Road is designated in the emerging Local Plan as a 'Strategic Green Gap' which passes between the built-up areas of Lawford and Mistley. To the north of Long Road, long distance views can be had over the built up area towards the Stour Estuary. A small number of dwellings and an assisted living complex lie in proximity to the junction of Long Road with Clacton Road, to the north east of the site. To the south, open countryside predominates.

The Proposal

- 6.3 Outline planning permission 15/00761/OUT was granted in July 2016 on the site for up to 300 dwellings and up to 2 hectares of employment land (including use classes A2: financial and professional services; A3: restaurants and cafes, B1: business use and D1: non-residential institutions), with associated public open space and infrastructure.
- 6.4 This application for Phase 1 relates to the northern section of the site and includes 96 dwellinghouses, extensive areas of open space to the north and north east, and an access onto Clacton Road, the details of the Long Road access having been determined at outline stage. The approved commercial/employment elements would fall within a later phase of development. The residential element represents approximately one third of those (up to 300) for which outline permission has been granted. The proposed 96 dwellings would comprise:
- 13 One and Two bedroom apartments within a single block
 - 6 Two bedroom terraced houses (2 terraces of 3 houses)
 - 24 Three bedroom terraced houses (8 terraces of 3 houses)
 - 23 Three bedroom semi detached houses (12 semi-detached pairs Types 1 & 2)
 - 23 Four bedroom detached houses (Types 1, 2, 3 & 4)
 - 6 Five bedroom detached houses

The apartments and two terraces of two-bedroom houses would have dedicated surface car parking. All other dwellings would have both detached garaging and surface parking. Cycle storage would be provided as would bin and recycling storage facilities.

- 6.6 The application has been amended during the course of determination. **A proposed commercial element comprising 162 square metres of retail floor space, deleted from the initial proposal for reasons of non-conformity, has been re-introduced as an A2 Use in general accordance with the outline permission. This would be incorporated into the south west corner of the apartment building at ground floor level and would be the optimum location in terms of public access and proximity to the 'Village Square'. The description of development has been amended accordingly.** There has also been minor amendment to the layout of development. **The height of dwellings on the eastern fringe of the site (straddling the Clacton Road access) has been reduced from 2 storey to 1 storey, and in the north-east and north-west corners the height has been reduced from 2 storey to 1.5 storey.**
- 6.7 It is considered pertinent for the purposes of this assessment to re-assert the main differences between the original outline masterplan/parameter plans and Variation of Condition 4 of 17/01537/OUT subsequently approved. These are as follows:
- 1) There would be a slight reduction in open space/green infrastructure particularly to the north-east part of the site in comparison to the approved outline application. There is however more open space/green infrastructure in comparison to the similar Variation of Condition 4 application, currently subject to appeal, that was Refused in 2017. The emerging Local Plan takes forward Policy COM6 of the 2007 Adopted Local Plan, which requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable space should be less than 0.15 hectares. In this instance the open space/green infrastructure wraps completely around the area to be developed and maintains significantly more than the 10% minimum threshold of open space required by the Local Plan;
 - 2) The area devoted to residential development is, as a consequence of the proposed reduction in open space/green infrastructure, nominally larger than shown on the original plan, although not to the extent proposed in the context of the earlier application for Variation of Condition 4. It is understood that the proposed increase in developable area has been necessitated by the need to balance the viability of the project in respect of the number of larger dwellings that can be successfully integrated into the scheme while adhering to spatial standards particularly in respect of garden sizes for the individual houses.
 - 3) The development would retain the characteristic of lower rise (1 & 2-storey) buildings to the periphery of the site with 2.5-storey buildings located centrally. Overall this accords more accurately with the original outline approval. By contrast the Variation of Condition 4 application that was refused in 2017 had proposed 2.5 storey development across the entire site.
 - 4) The employment area or 'commercial zone' on the proposed plan is to be relocated to the south-east corner of the site, whereas in the original plan it was to be located in the south-west corner. There would be no change to the area of developed employment land or approved use classes.
 - 5) The access point onto Clacton Road would be some 60 metres further north than was indicated on the original plans.

- 6.8 There have been no changes in planning policy or other material circumstances since the original grant of planning permission that might affect determination of these Reserved Matters and it should be noted that all other aspects of the outline approval, including the remaining conditions, still pertain.

Analysis

- 6.9 The principal issues are:

The extent to which the reserved matters application would:

- Comply with the terms and conditions of the outline approval having particular regard to compliance with the parameter plans;
- Would conform with National Planning Policy and the requirements of the Development Plan for Tendring District;

In respect of:

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale;

Access

- 6.10 In accordance with the outline approval, principal means of access to the residential development was to have been gained approximately midway along its Long Road frontage while a secondary access would have been gained, approximately midway along its Clacton Road frontage. Although the Long Road access was approved at outline stage, approval of the Clacton Road access was retained as a Reserved Matter on the basis that further design work was required. As part of that process, the Clacton Road access would be moved some 60m further north, in accordance with the amended parameter plans accompanying 17/01537/OUT Variation of Condition 4.
- 6.11 The Highway Authority has supported the variation and the details submitted with the Reserved Matters application showing a 6.75m wide carriageway and 2.0m wide footway together with visibility splays of 2.4m x 215m in each direction along Clacton Road. Concerns that were raised at outline stage in respect of impact on the adjoining highway network and specifically related to highway improvements, would still be addressed within the context of Condition 17 (provision of highway related improvements) of 15/00761/OUT which in turn would be subject to a S278 Highways Agreement. Financial contribution to highways improvements would be secured by a separate S106 Agreement.
- 6.12 In respect of internal access provision this has been determined by three route types: primary, secondary and tertiary. The primary route connects the two entrances into the development from Long Road and Clacton Road. Secondary and tertiary routes then allow perforation into the wider scheme. The road layouts have been designed in such a way as to discourage the development being used as a 'rat-run' (a particular concern of the Parish Council), by the introduction of hard landscape design techniques aimed at traffic calming. As a general rule, the layout would incorporate 2.0m wide pavements to the frontages of all rows of houses. The only exception is where smaller scale housing lies within short truncated cul-de-sac parking courts. In all respects, the road system throughout the development would be compliant with highway design standards in respect of bend radii, private driveway accesses and access for emergency and refuse collection and would provide a satisfactory standard of

vehicular access throughout the development, while maintaining a safe and legible environment for pedestrian and cyclists and proximity to bus stops.

Appearance

- 6.13 Amended details have been submitted showing a range of **1, 1.5 & 2-storey** house types ranging from 2 & 3 bedroom terraces of three, 3 bedroom semi detached and 4 & 5 bedroom detached properties, together with a 2.5 storey, 1 & 2 bedroom apartment block that frames the 'Village Square'.
- 6.14 The houses would be of traditional gabled construction featuring natural clay tile roof coverings terminating in overhanging eaves, above brick, painted lime render, tile hung or weatherboard clad elevations. Detailing would include corbelled eaves course throughout with certain buildings featuring water tabling to roof verges, first floor corbelled jetties, bay windows and exposed brick relieving arches. Doors and windows would be of timber construction with small pane sliding sash or casement windows aiding privacy. All buildings would incorporate traditional chimney stacks. The specification of building materials falls to be determined under Condition 7 of the outline approval. The proposed detached garaging and storage buildings would relate sympathetically to the design of the houses. The streetscene would be varied and the resulting development would have a semi-rustic appearance complementary to the vernacular of this part of Essex.
- 6.15 As amended, the appearance of the development would make a positive contribution to the quality of the local environment and would protect local character in accordance with Local Plan Policy QL9 'Design of New Development' and Emerging Local Plan Policy SPL3 'Sustainable Design'. The appearance of the development would be acceptable subject to imposition of conditions to secure appropriate standards of detailed design including material specification.

Landscaping

- 6.16 Phase 1 would incorporate the oblong shaped 'Green Gap' land fronting Long Road, which would comprise a landscaped amenity buffer measuring approximately 300m wide by 80m deep. This would then turn through the north east corner of the site to link with a square shaped area of amenity land measuring approximately 110m x 110m abutting the Clacton Road site frontage. A narrower 10m wide strip would be retained between the western boundary of the site and rear garden boundaries forming the edge of the area to be developed. The southern edge of Phase 1 is not shown to be landscaped as it would merge with later phased development further to the south. The landscaping layout accords with the amended parameter plans that form part of application 17/01537/OUT.
- 6.17 In accordance with Adopted Local Plan Policies EN1 and EN2, the quality of the district's landscape and its distinctive local character would be protected and the designated Green Gap kept open and free from development. In accordance with emerging Local Plan Policies HP3 and HP4 there would be a net gain in green infrastructure and Local Greenspaces would be safeguarded.
- 6.18 The northern tract of land, identified as the 'Village Green' on the application drawings would incorporate leisure trails, play areas, a woodland backdrop, a flight pond water feature, and a variety of screen and amenity planting. This would in turn provide a gateway to the development and setting for the nearest residential properties. This area wraps around the north eastern corner of the site opening onto and merging with an area of more open land to the east which would be more sparsely planted to facilitate varying forms of outdoor leisure activity. The somewhat narrower landscape

belt along the western edge of the site would be sufficient for a buffer zone between this site and the adjoining development site to the west. It would also be sufficiently wide enough to incorporate a leisure route that would link to future phases of the development to the south.

- 6.19 Towards the centre of the residential area, a 'Village Square' with specimen trees and terraced areas would provide a focal point for the community. Although the area surrounding the square would comprise residential development to accord with the outline permission, it is understood from supporting statements that there are aspirations to incorporate retail and café/dining experiences into the Village Square for the benefit of residents. **A condition is to be imposed to ensure the future provision of retail space for the benefit of the resident community in accordance with the planning committee's resolution of 6th June.**
- 6.20 As set down in the Planning Statement for Phase 1, the 'Public Vision' seeks to ensure that a landscape led approach is achieved. The significant open space to the north would therefore be intended for public recreation and leisure with sufficient landscape cover to provide a screening effect but not so much as to lose the openness of the Green Gap. By contrast the central space would introduce a higher proportion of hard landscaping and would provide a more formalized focal point for the community.
- 6.21 Street trees are shown throughout Phase 1 with emphasis being on the north-south orientated tree lined avenue stemming from the Long Road access. A structured tree planting strategy provides clear transitions between the hierarchy of streetscapes and public spaces. It is intended that a mix of native and ornamental trees throughout the development would help to provide contrasting seasonal colours and textures. The central route through the site would feature tall dominant species to emphasise the avenue, while narrow, winding estate roads and the Village Square would incorporate species that would provide areas of shade, and seasonal interest.
- 6.22 The proposed landscape strategy would concentrate landscape provision within areas intended to benefit both the wider landscape setting of the development and the resident community. While the level of landscaping detail is considered sufficient to address in principle, landscape and visual impact, which was a key issue in determination of the original application, and provide a basic conceptual landscape design, further, more technically precise, and detailed drawings showing planting layouts and specification would in this instance need to be submitted and approved prior to commencement of development, to ensure a high quality landscaped environment and provide the necessary degree of screening. Detailed layout drawings showing hard landscaping would also need to be agreed.
- 6.23 The landscape and tree officer has advised that the impact of the reserved matters application on the surrounding landscape would be acceptable and would not result in tree loss or harm to retained trees. Trees are in any event protected by a separate condition on the outline approval. However the officer has confirmed that further landscape details need to be provided. This can be subject to condition.
- 6.24 In accordance with Planning Practice Guidance, conditions requiring such details can be imposed at Reserved Matters stage as they relate directly to a specific reserved matter. It is consequently recommended that conditions be imposed to secure an acceptable hard and soft landscaping scheme for Phase 1 of development and to ensure its implementation and where necessary, replacement within 5 years should planting not survive.

Layout - Residential area

- 6.25 The original outline planning permission is for up to 300 dwellings and that number is reinforced by condition. This application does not seek to increase the quantum of dwellings, although the nominal increase in developed area would lend the scheme to a reduction in housing density, or development of slightly larger houses. A new outline application for the site seeking up to 500 dwellings is currently awaiting determination and this will obviously need to justify the impact of higher density development in this sensitive location.
- 6.26 In accordance with the approved scheme, the total site area is approximately 23 hectares, including 12 hectares for residential development (up to 300 homes), 2 hectares for employment uses and 9ha for green infrastructure. The original quantum of open space was therefore particularly generous and a net density would have been achieved of around 25 dwelling per hectare in respect of the 'developed' area (or 14 dwellings per hectare over the larger site). This density was one that was originally considered to be wholly appropriate for this semi-rural, edge of settlement location.
- 6.27 In the current scenario, whereas the residual area for development would increase, the number of dwellings would remain the same. Net density would therefore decrease (at the expense of green infrastructure) while gross density over the entire site would remain at 14 dwellings per hectare. In either instance, this is a relatively low housing density in keeping with the semi-rural nature of the site and far lower than the minimum density that is generally required under Policy HG7 of the adopted Local Plan and Policy LP3 of the emerging Local Plan.
- 6.28 The relatively low density of development would allow for a generous standard of road and footway width, ensuring that the internal road layout can safely and comfortably accommodate emergency services and waste collection services. All of the houses would benefit from a combination of garaging and surface parking, while the apartment block would have surface parking only. Parking would in all instances be compliant with parking standards. Residential amenity for future residents would be acceptable having regard to privacy, avoidance of overshadowing or overbearance, while garden sizes would be compliant with standards and would be satisfactorily orientated to take advantage of optimum levels of sunlight. Details of boundary treatment are subject to a separate outline planning condition.

Scale

- 6.29 The principal consideration relates to the height of development. The approved parameter plans for the original application showed zones within the site where different heights would apply. That development would have comprised predominantly of 2 storey high development across the majority of the site, with 1 storey development occupying a small part of the site to the west and other small zones of up to 2.5 storeys surrounding a central open space.
- 6.30 The revised parameter plan, to be read in conjunction with this application, shows a redistribution of these areas with the 2.5 storey elements still located centrally other than for a small high rise cluster adjoining the (re-located) employment area which is to form part of a later development phase.
- 6.31 The building heights currently proposed as part of the Reserved Matters Phase 1 development comprise predominantly 2 storey development with a small area of 2.5 storey development around the 'Village Square', **and following amendment, a small quantum of 1 and 1.5 storey development along the more visually exposed eastern fringe of the site and north eastern and north western corners.**

- 6.32 The emphasis on two-storey development within Phase 1 can be justified due to the generous depth of amenity land adjoining Phase 1 and on the premise that lower rise development would feature more significantly in later phases of development towards the southern periphery of the site where landscape impact would arguably be more pronounced and the need to respond to local landscape context, greater.
- 6.33 The Council is entitled to withhold planning permission at reserved matters stage if the height of development were to be considered inappropriate or harmful to the character and appearance of the area, particularly as a result of height and massing. **In this instance, particularly following the introduction of a number of single storey units, the scale of development is considered acceptable and in accordance with the amended parameter plans.**

Other Matters

- 6.34 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as a site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut, the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI).
- 6.35 Consideration therefore needs to be given to the extent to which potential indirect effects on the designated area that might result from the increased level of human activity arising from the proposed development can be mitigated. In this instance the layout of development, and dedication of landscaped green areas would ensure the provision of on-site recreational routes and extensive areas of green space, sufficient for the purposes of mitigation. Consequently Natural England has not raised objection.
- 6.36 **The introduction of retail floor space (Use Class A1) although not forming part of the original application, is in general conformity with Policy ER37 'Small convenience Stores Outside of Centres', and would be a logical end use of that part of the site, dedicated at this stage for temporary A2 marketing purposes. Additionally, the retail use would be of insufficient scale to be detrimental to the vitality and viability of the neighbouring local centre. There are no amenity issues in respect of the small scale retail use of this part of the site.**

Conclusion

- 6.37 The application satisfies the requirements of the NPPF and the Development Plan for Tendring having regard to Access, Appearance, Landscaping, Layout and Scale and should be approved subject to conditions as set out in this Report.

Background Papers

None