

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	15.11.2022
Planning Development Manager authorisation:	JPG	15/11/22
Admin checks / despatch completed	ER	17/11/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/11/2022

Application: 22/00773/NMA

Town / Parish: Mistley Parish Council

Applicant: Tendring Farms Ltd

Address: Land South of Long Road Mistley

Development: Non-material amendment sought to 21/00197/DETAIL to add minor adjustments to the layout and some house types to offer design enhancements and to relocate the electricity sub-station. (Phase 1 only).

1. Town / Parish Council

Not applicable

2. Consultation Responses

ECC Highways Dept
06.07.2022

It is noted that there is no change to the number of units, the mix of the units, or the layout and grouping of the buildings
The Highway Authority does not object to the proposals as submitted

3. Planning History

21/00197/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of outline permission (17/01181/OUT - Approved under appeal APP/P1560/W/19/3220201 and separately 21/00213/OUT) including up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure	Approved	23.12.2021
21/00213/OUT	Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).	Approved	11.10.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

This is an application for a Non-Material Amendment (NMA). Section 96A of the Town and County Planning Act 1990 says in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted. The Planning Practice Guidance confirms there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.

The key test as to the acceptability of an NMA application is whether the change is material to any development plan policy. If the changes proposed are minor and not material to any development plan policy. Then three further tests should be applied:

1. Is the proposed change significant in terms of its scale, in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in, or were informed of, the original decision be disadvantaged in any way?

Site Description

The application concerns land to the south of Long Road on the Mistley side of the Mistley/Lawford Parish boundary and borders Clacton Road to east and Dead Lane to the south. Planning permission has been granted for a mix of residential and commercial uses within the site.

Proposal

The application seeks a non-material amendment to application 21/00197/DETAIL which granted the reserved matters permission for the development under 17/01181/OUT and 21/00213/OUT granted at appeal for outline planning permission for the erection of up to 485 dwellings and up to 2 hectares of employment land.

The non-material amendments proposed relate to alterations to the site layout and some house types to offer design enhancements and to relocate the electricity sub-station. These amendments are in relation to Phase 1 of the development only.

To clarify there are no changes to the number of units, the mix of the units, layout or grouping of the buildings, no reductions in garden sizes or back to back distances.

The alterations are shown on amended plans:

Plans submitted 22/00773/NMA	Approved plan under RM to be now superseded 21/00197/DETAIL
002 -Site Layout Rev O Phase 1 Layout and amended location of Sub Station	002 -Site Layout Rev L
005-Massing Plan Rev Q Phase 1 Layout and amended location of Sub Station	005-Massing Plan rev N
006 - Refuse and Cycle Plan Rev Q Phase 1 Layout and amended location of Sub Station Revised cycle storage (near Apartment Block C)	006 - Refuse and Cycle Plan Rev M
007-Garden Areas Plan Rev Q Phase 1 Layout and amended location of Sub Station Revised Garden Layout (to Apartment Block C)	007-Garden Areas Plan Rev M
008-Parking Plan Rev Q Phase 1 Layout and amended location of Sub Station Alterations to parking layout (various)	008-Parking Plan Rev L
010-Boundary Treatments Plan Rev P Phase 1 Layout and amended location of Sub Station Alterations to Boundary Treatments (Various)	010-Boundary Treatments Plan Rev L
011-Affordable Housing Location Plan Rev K Phase 1 Layout and amended location of Sub Station	011-Affordable Housing Location Plan Rev G
012-Street Scenes Rev G Phase 1 Layout and amended location of Sub Station Changes to streetscene, alternate house types and change of materials	012 Street Scenes Rev E
015-Back to Back Distances Plan Rev D Phase 1 Layout and amended location of Sub Station	015 Back to Back Distances Plan Rev A
009-Materials Plan Rev T Phase 1 Layout and amended location of Sub Station Change of materials	009_Materials Plan Rev M
2446-LLA-GF-00-DR-L-0001-P13-Landscape Strategy Plan Phase 1 Layout and amended location of Sub Station Alterations to landscaping and paving (Various)	2446-lla-gf-00-dr-l-0001-p12

Assessment

The submitted lists the specific amendments as set out below:

Plot No	Amendment
29 and 439	Brought closer to the pavement to provide tighter pinch points in the design to better define the corners and road junctions, as you might expect in a traditional village.
439, 440, 435	A low brick wall has been introduced at the front of plots 439, 440 and 435 to help define these houses on key vistas within the development, as well as provide defensible space to the residents.
29 and 37	The paving/road has been adjusted between plots 29 and 37 to have a less obvious "T" shape to the block paved area, with the road heading north from this junction full block paving. This will provide a more traditional appearance to the junction.
63-69	The parking to the rear of plots 63 to 69 has been flipped to the Western site, to avoid paths to rear access between the cars and the fence and allow an additional area of soft planting against the hedge and soften the parking courts.
54-61 and 62	The parking to the rear of plots 54 to 61 has been flipped to the Western site, to avoid paths to rear access between the cars and the fence and allow an additional area of soft planting against the hedge and soften the parking courts and the flat over garage unit (plot 62)
432-435	Timber gates have been added to the drives to plots 432 to 435 to create a stronger, traditional, street scene. These gates will be electrically operated and there is sufficient space to pull off the road whilst the gates open.
88 and 46-53	Visitor parking (3 spaces) has been relocated from the green triangle adjacent to plot 88, to the parking courtyard behind plots 46 to 53. This ensures the green space when you enter the main street can be a clear landscape feature and not cluttered with cars, improving the route into the site.
88-93	Timber gates have been added to the front of the drives to plots 88 to 93 to provide a more traditional street scene that reduces the impact of the cars along this lane. Elevations of gates not provided
93-94 and 157-158	Metal estate rail fence has also been introduced to help define the residential areas to plots 93, 94, 157 & 158, this will be in keeping with the parkland setting.
88-94	The visitors' parking spaces in front of plots 88 to 94 have been put into groups of 2, rather than individual spaces offering better view between the houses and the park.
Footpath adj to plot 88	The footpath running adjacent to the primary road into the site has been pulled away from the road edge to provide an area of landscaping and fit in better with the parkland setting.
Apartment Block C	<p>Cycle store building added to provide variation in scale to street scene.</p> <p>Paths amended to improve landscape space to north of Apartment Block C</p> <p>Elevations amended to use larger sliding sash windows to match the architecture of the surrounding houses, and provide greater light levels to the apartments.</p> <p>Balconies added to provide amenity space to the apartments, and greater articulation of the elevations.</p> <p>Front door to apartments added on main elevation, to provide greater animation of the street scene.</p> <p>Clock and brick detailing added to gables to give building sense of civic pride as the key building around the garden square. Improvements to internal layouts.</p> <p>Parking layout altered</p>

Commercial units at Apartment Block C	Terrace to commercial increased in size to provide greater space for outdoor dining. Proportions of shop fronts improved.
External Materials Plots 70-87 Plots 135-137 Plots 54-69	To add greater variation to the main street into the development we have amended some of the terrace blocks to be boarded (coded yellow in the plans submitted, rather than red or pale red which indicate brick). Boarded houses have already been approved as part of this scheme, and are a great Essex tradition, and this would make the route into the site more interesting.
7	Plot 7 house type changed to 5B2200, a slightly larger house to help define the end of the lane of houses.

House types	Amendment
910 and 1100	Internal variations added to house types 910 and 1100 to provide a range of layouts to suite different homeowners. The external elevations are unaltered by the internal changes apart from the change in material to some rows of terrace houses.
2014	House type 2014 has been changes to 2014v1, which is a wider house of the same area and has a more attractive elevation with the horizontal boarded element helping to break up and interest to the streetscene.
1016	House type 1016 external wall finished change to boarding, to give greater interest to the street scene with greater vernacular village detailing.
1285	House type 1285 amended, as approved plan did not relate to rear gardens of properties. Height of chimney also increased to add interest to the roofscape.
1286	House type 1286 amended with revised front door position, detailing and chimney added to improve the appearance on the street.
1465	House type 1465 very minor dimensional adjustments.
1596	House type 1596 change to a more rural design, less suburban and with taller chimney
1747	House type 1747 very small dimensional adjustments
1750	House type 1750 bay windows omitted to simplify elevation proportions, glazing bars added.
2200	House type 2200 window proportions adjusted; detail added including door surround, part hips removed, rear "extension" element boarded, windows added to attic space to make more attractive rural house.
Flat over garage	FOG house type adjusted with direct door to garden added, elevation rationalised, and eaves raised to allow head room to work internally.

Site	Amendment
Sub station	Alteration to location and layout of sub-station in commercial area

Conclusion

Whilst the alterations are numerous, in the context of the layout and design of the overall site and due to the circumstances of this application the alterations are considered to be acceptable.

6. Recommendation

Approve – Non Material Amendment

7. Conditions

The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos, for Phase One only:

- 002 -Site Layout Rev O
- 005-Massing Plan Rev Q
- 006 - Refuse and Cycle Plan Rev Q
- 007-Garden Areas Plan Rev Q
- 008-Parking Plan Rev Q
- 009-Materials Plan Rev T
- 010-Boundary Treatments Plan Rev P
- 011-Affordable Housing Location Plan Rev K
- 012-Street Scenes Rev G
- 015-Back to Back Distances Plan Rev D
- 2446-LLA-GF-00-DR-L-0001-P13-Landscape Strategy Plan

Reason - For the avoidance of doubt and in the interests of proper planning

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO