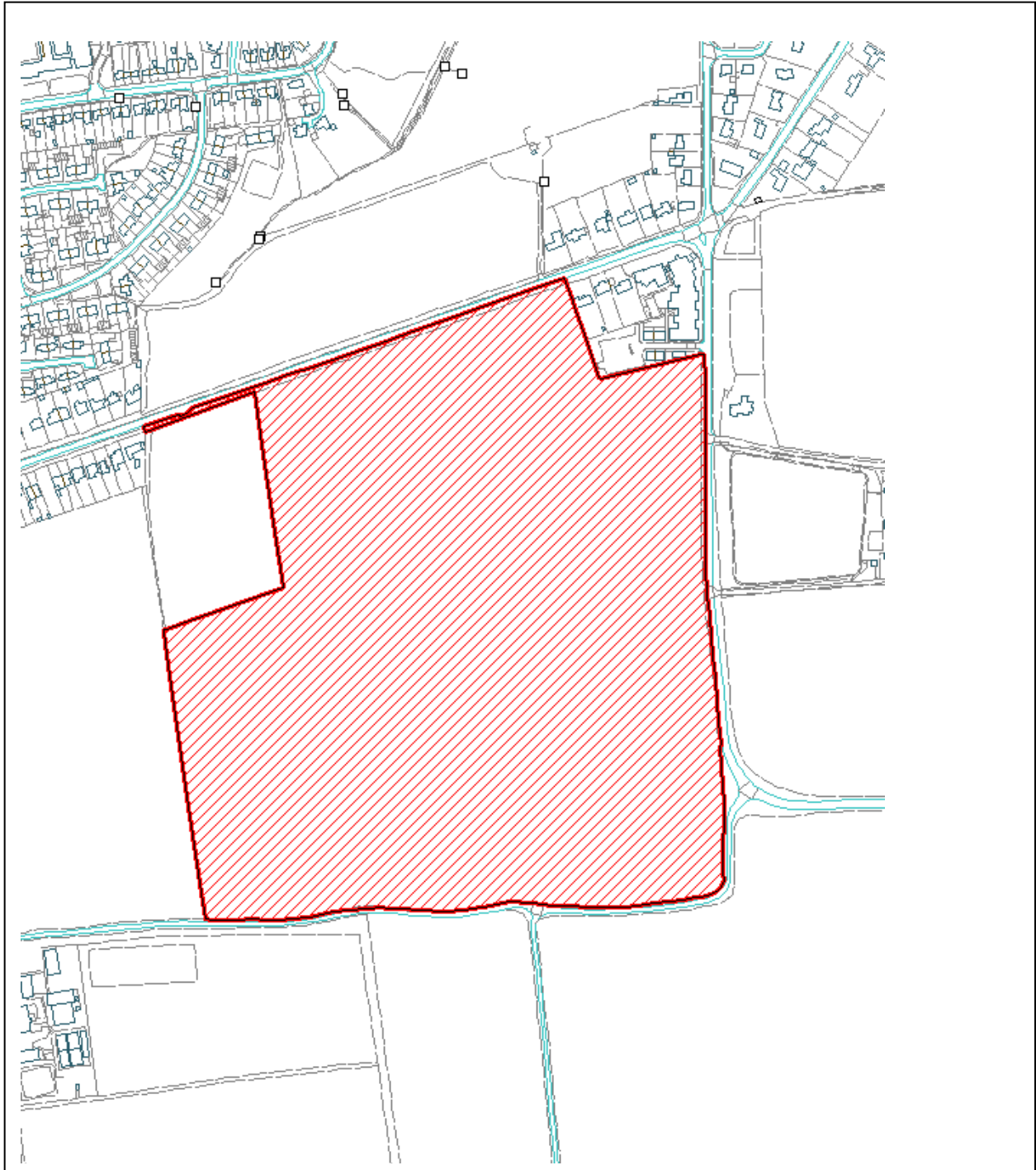


PLANNING COMMITTEE

6th JUNE 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/01537/OUT - LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN



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Application:	17/01537/OUT	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:	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: PL17006/04 and Landscape Plan - Drawing No: 003';	

1. Executive Summary

- 1.1 The site benefits from extant outline planning consent for 300 homes and 2 hectares of employment land. Planning permission was granted subject to a number of planning conditions including that any detailed plans for the site needed to be in general conformity with the submitted parameter plans. These broadly identified, the location of housing, commercial development and open space as well as the height of development.
- 1.2 This planning application seeks to vary the parameter plans to allow certain amendments to the scheme layout. It follows from a similar application for variation of the parameter plans that was refused by planning committee on 10th August 2017. The current application seeks to address the reasons for refusal by complying more closely with the original outline consent. Accordingly there would be:
 - Nominal reduction in the overall amount of approved open space;
 - Nominal enlargement in approved developed area;
 - Re-distribution of approved height limits across the site to include buildings between 1 – 2.5 storeys;
 - Re-location within the site of the approved employment land;
 - The approved access point onto Clacton Road to be moved further north.
- 1.3 There would be no changes to the total number of homes or the amount, or use class of employment land, as this could only be achieved through a whole new planning application for the site.
- 1.4 There has been one representation from a member of the public. Mistley Parish Council has expressed concerns that the two-storey height is inappropriate being out of character for the area; and for having an adverse visual impact, being the highest point in Mistley.
- 1.5 The Council's Principal Trees and Landscape Officer has not raised objection. The amended plans would still allow for some 26% open space which is more than double what is required by the Local Plan policies and the green spaces would still be positioned and landscaped to minimise the visual and landscape impact of the development.
- 1.6 Natural England has not raised objection, as previous concerns that the reduction in open space might lead to greater recreational disturbance of protected habitats at the Stour Estuary, have been overcome.
- 1.7 The proposal to relocate the 2 hectare employment site from the south-west corner of the site to the south-east corner of the site is un-controversial and would be a positive change

in terms of ensuring more direct access to the highway and reducing any conflict with the residential development. This was established in the context of 17/00534/OUT.

- 1.8 It is hereby recommended that the application be approved. If the Committee endorses this recommendation, outline planning permission for the site will be re-issued in full, with planning condition 4 amended to correspond with the new parameters plans. The s106 agreement for the original application which secures affordable housing, education, health and off-site highway contributions would also still apply.

Recommendation: Approve

That the Head of Planning be authorised to grant outline planning permission for the proposed development (up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure) but with a variation to condition 4 of the decision notice to require the development to be in general conformity with the revised parameters plans.

All other planning conditions are to remain unchanged from the outline planning permission 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 Submission of Reserved Matters;
- 2 Submission of Reserved Matters;
- 3 Commencement of development;
- 4 Reserved Matters in general conformity with approved indicative drawings;
- 5 Maximum no of dwellings and employment land;
- 6 Phasing Plan and Programme;
- 7 Details of materials;
- 8 Landscaping implementation;
- 9 Replacement planting within 5 years;
- 10 Accordance with Tree Constraints Plan;
- 11 Public Open Space Management Plan;
- 12 Boundary details;
- 13 Foul water strategy;
- 14 Surface Water drainage scheme;
- 15 Scheme to minimise off site flooding;
- 16 Drainage maintenance scheme;
- 17 Highway Improvements;
- 18 Sustainable Transport information;
- 19 Ecological Mitigation Scheme;
- 20 Archaeological Investigation;
- 21 Construction Method Statement;
- 22 Refuse/Recycling Details;
- 23 Cycle Storage;
- 24 Broadband Connection;
- 25 Recruitment Strategy.

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
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8a	Proposed New Recreational Open Space
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

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
LP3 Housing Density Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL6 Strategic Green Gaps

3.0 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 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Withdrawn
16/00818/OUT	Resubmission of outline application 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
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 163m ² 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.	Current
18/00021/REFUSE	Planning Appeal in respect of 17/00534/OUT Variation of Condition 4 of application 15/00761/OUT	Current

Note: This current application follows from 17/00534/OUT which sought permission for a similar Variation of Condition 4. That particular application was refused by Planning Committee on 12.08.2017 for the following reasons:

1. *Policy QL9 of the Saved Tendring District Local Plan 2007 states that 'all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other criteria, the development relates well to its site and surroundings particularly in relation to siting, height, scale, massing form, design and materials and the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features'. Furthermore, Policy EN1 of the Tendring Local Plan 2007 states that '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'. These criteria are also contained within Policies SPL3 and PPL3 of the merging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.*

The above policies are consistent with the National Planning Policy which states at paragraph 17 that one of the core principles of planning is to 'contribute to conserving and enhancing the natural environment and reducing pollution'.

This development will frame the southern extent of the settlement and is prominent in views from the south. It is within the Bromley Heaths Landscape Character Area (LCA); an exposed and windswept plateau that corresponds with the highest part of the district. The development has the potential to be highly visible over long distances.

Substantial boundary and integral landscaping, as well as the sensitive use of varied building heights will be necessary to produce a development to blend with the landscape in scale, colour and design and address the juxtaposition of the built development with the local landscape character of this exposed rural setting. The landscape and building height

parameters proposed would fail to ensure that the development would protect the districts landscape as required by policies QL9, EN1, SPL3 and PPL3 cited above.

The application site has extant outline permission for up to 300 dwellings and 2Ha employment development. The permission (15/00761/OUT) is conditioned to comply with parameter plans that accommodate this development while providing significantly more landscaping and a more appropriate approach to building heights that would ensure the development relates well to its site and surroundings and better protect the distinctive local landscape character.

4. **Consultations**

Environmental Protection	N/A
Regeneration Policy Section	N/A
Tree & Landscape Officer	No comments on the amended illustrative Masterplan.
Anglian Water Services Ltd	N/A
Babergh District Council	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)	N/A
Essex Bridleways Association	N/A
Essex County Council Archaeology	Unable to comment as a programme of archaeological trial trenching and excavation secured by condition has not yet taken place.
ECC Highways Dept	It is noted that this application only concerns condition No4. Providing it is understood that conditions 5 and 17 of application 15/00761/OUT remain valid, this Authority raises no objections.
Essex County Fire Officer	N/A
Environment Agency	N/A
Essex Wildlife Trust	N/A
Natural England	Natural England currently has no comment to make on the variation of condition 4. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.
The Ramblers Association	N/A
ECC SuDS Consultee	N/A
NHS East Essex CCG	N/A

5. **Representations**

- 5.1 Mistley Parish Council has commented that the two-storey height would be inappropriate and out of character for the area; they have also expressed concern that development would have an adverse visual impact on roads at the highest point in Mistley.
- 5.2 A single objection has been received from a member of the public expressing concern that extra houses, particularly larger ones would place a strain on community services and infrastructure

6. **Assessment**

- 6.1 The principal issue is the extent to which the current application has succeeded in addressing the reason for refusal relating to a similar application for Variation of Condition 4 Ref: 15/00761/OUT having regard to all associated material considerations.

The Application Site

- 6.2 The site comprises a 23 hectare agricultural enclosure, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site is an approximate square in shape rising gently from its northern boundary towards the south but then falling 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 within Long Road and Clacton Road.
- 6.3 To the west of the site, planning permission has been granted for major mixed-use development including up to 360 dwellings. The northern edge of the site abuts Long Road which passes through the open gap between the built-up areas of Lawford and Mistley. To the north of Long Road is an area of open space, with long distance views over the built up area towards the Stour Estuary. The site abuts a small number of dwellings and an assisted living complex to the north east while to the south open countryside predominates beyond the site boundaries.

The Proposal

- 6.4 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.
- 6.5 Condition 4 of the outline planning permission requires that the subsequent reserved matters applications will be in general conformity with the following indicative drawings: 1648 01 A - Outline Landscape Master Plan; 2014-426-13 Rev. A - Parameter Landscape Plan, and; 2014-426-11 Rev. A - Parameters Massing Plan.
- 6.6 This is an application to vary that condition and replace each of these plans with an amended master/parameter plan. During the course of determination, a further Amended Illustrative Masterplan Ref: PL17006/04 has been received.
- 6.7 The main differences between the approved masterplan/parameter plans and the proposed amended plans 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 that was Refused in 2017. The emerging Local Plan takes forward

Policy COM6 of the 2007 Adopted Local Plan, 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 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. The only difference to this approach would be to the south west where a 2.5-storey cluster would abut the commercial area. 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 the principle of development. Consequently, this assessment focusses only on the specific changes to the parameters plans being proposed.

Green infrastructure

- 6.9 The current proposal retains the deep landscape buffer to the north of the site fronting Long Road and a narrower buffer including attenuation ponds and swales fronting Clacton Road to the east. Whereas the interconnecting green area to the north east of the site would be reduced in area it would retain its amenity function as a green link. Crucially, an accessible landscape corridor would be provided around the site perimeter, unlike the Variation of Condition 4 application that was Refused in 2017 which brought development up to the western site boundary at the expense of landscaping. In the context of the outline permission, landscape provision amounted to approximately 9 hectares (39%) of site area. The previous application Ref.17/00534/OUT for Variation of Condition 4 to change the parameter plans would have reduced this level of provision to approximately 6 hectares (26%). The current proposal for approximately 7.5 hectares (32.5%) of site area strikes a balance that officers consider to be an acceptable compromise that is still significantly in excess of the Local Plan requirement for 10% green infrastructure, particularly as it would concentrate landscape provision within areas intended to benefit the wider landscape setting of the development.
- 6.10 The reduction in the area of green infrastructure from the original plans to the proposed plan raises questions over the potential character of the development, its landscape and

visual impact, its ecological value and as identified by English Nature, its ability to guard against potential increase in recreational disturbance at the Stour Estuary. These were all key issues in the determination of the original outline planning application.

- 6.11 Policy QL9 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan require developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the District's landscape; requiring developments to incorporate features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.12 With limited boundary hedging and vegetation, the site is visually very exposed when viewed from key vantage points on entry into the settlement from the south along Clacton Road and from the east along Long Road, as well as across open countryside to the south. In addition there is a current sense of openness to either side of Long Road which would be interrupted but not necessarily lost. There are also some long distance views at the northern part of the site over the settlement of Manningtree and Mistley towards the Stour Estuary that would be affected but again would not be lost as a result of development.
- 6.13 With the original outline application, the applicants submitted a Landscape and Visual Impact Assessment and indicative landscape plan which Officers considered acceptable. It was acknowledged that whilst the character of the location would change considerably, there would be scope for a comprehensive package of open space and landscaping that would help to mitigate the visual impact of the development and potentially bring about some environmental enhancements. The applicant also submitted a Tree Survey and Report that demonstrated, to Officers' satisfaction, that development could take place without harm being caused to the trees and other vegetation on the land.
- 6.14 The revised plan with a reduced area of open space will naturally lead to a development with a slightly different, less verdant character. However, the green spaces are still substantial, and when landscaped will help to minimise visual and landscape impacts. Officers do not believe that the narrower green spaces now proposed would lead to the development being unacceptable in visual and landscape terms. Moreover, officers consider that the current application addresses in particular the potential detrimental impacts that may have arisen had the predecessor Variation of Condition been approved.
- 6.15 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). As the application site is located within 2 kilometres of the Stour Estuary consideration needs to be given to potential indirect effects on the designated area that might result from the proposed development.
- 6.16 In response to the original outline planning application, Natural England highlighted specific concerns about the potential for 'recreational disturbance' to the protected habitat that might arise from the development and the associated increase in population and activity. Recreational disturbance is a significant problem for such habitats and can have a harmful effect, in particular, on rare populations of breeding and nesting birds. Notable concerns

include, in this instance people walking their dogs either within or close to the protected areas. Such activities can easily frighten birds that are breeding and nesting and can have an extremely detrimental impact on their numbers.

- 6.17 Natural England, in advising the Council on the potential impacts on the development and the need, or otherwise, for 'Appropriate Assessment' to comply with the Habitat Regulations, accepted the conclusions of the assessments submitted with the original outline application which cited, in particular, the considerable amount of recreational and informal open space to be proposed as part of the development – based on the indicative masterplan and parameters plan. In the context of the previous application for Variation of Condition 4, with a reduction in the site area being proposed for green infrastructure, Natural England initially submitted a holding objection with concerns over the absence of sufficient information to assess the potential impact of the revised proposal. Pursuant to issue of an addendum to the original Habitats Regulation Assessment, Natural England confirmed that it no longer objected and that 'Appropriate Assessment' would not be necessary. In comparison to the previous Variation of Condition 4, application, there would be an increase in green infrastructure.
- 6.18 In this instance Natural England has not raised objection.

Residential area

- 6.19 The original outline planning permission is for up to 300 dwellings and that number is bound by condition. To increase that figure, a new planning application would be required, which would have to be assessed on its own merits at the relevant time. This application does not seek to increase the quantum of dwellings. Theoretically, the 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 location.
- 6.20 In accordance with the approved scheme, the total site area is approximately 23 hectares of which approximately 12 hectares would have been for 300 homes, 2 hectares would have been for employment uses and 9ha would have been 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 (or 14 dwellings per hectare over the larger site). 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, although this is a relatively low housing density, it was one that was originally considered to be wholly appropriate for this semi-rural, edge of settlement location.

Development height

- 6.21 The approved parameter plans for the original application showed zones within the site where different storey heights would apply. The development would have comprised predominantly of 2 storey high development across the majority of the site, with 1 storey occupying a small part of the site to the west and up to 2.5 storeys on those parts of the site surrounding a central open space. The revised plan shows a redistribution of these areas and in general retains the 2.5 storey elements to central locations other than for a single high rise cluster adjoining the (re-located) employment area. The building heights as currently proposed would consequently be similar to that of the original outline application which envisaged lower rise development to the site periphery. As such the current proposal would be considerably less intrusive than that proposed under the terms of the former

Variation of Condition 4 application which sought to establish 2.5 storey (13m high) development across the wider site.

- 6.22 The current proposal would allow the Local Planning Authority to exercise the same level of control over the development, up to a maximum of 2.5 storeys (13m) in height as per the outline permission. Crucially, the Council would be 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.

Employment area

- 6.23 The original parameter plans showed the 2 hectares of employment land in the south-western corner of the site whereas the revised plan moves it to the south-eastern corner. Subject to the detailed design of the commercial units being acceptable given the visually exposed nature of this corner of the site, the principle of locating the employment uses closer to the highway and in a position allowing better separation from the separate approved housing site to the west. This element of the application was considered within the context of 17/00534/OUT and held not to be an issue.

Access via Clacton Road

- 6.24 The revised parameter plan shows the access point onto Clacton Road being approximately 60 metres further north than shown on the original version. The currently proposed position is now shown as being roughly equidistant to the junctions of Clacton Road/Dead Lane and Clacton Road/Long Road/Trinity Road/New Road. This element of the application was considered within the context of 17/00534/OUT and held not to be an issue, notwithstanding that at the time Mistley Parish Council raised concerns that moving the position of the junction would give rise to greater risk of queuing traffic.
- 6.25 As part of the original outline planning application, details were approved for the position and dimensions of the junction onto Long Road, but the junction onto Clacton Road was not approved in detail at that stage. The Highway Authority has not commented specifically on the re-positioning of the junction in response to this application for revised parameters plans, although it has stated that conditions 5 (no more than 300 dwellings and 2ha of employment land) and 17 (provision of highway related improvements) of application 15/00761/OUT should still be regarded as valid. The Highway Authority has also provided detailed comments on the associated reserved matters application for the first phase of the development (which is currently under consideration) indicating no objection in principle.

Conclusion

- 6.26 This application seeks a variation to the parameters plans that will guide the approved development of up to 300 homes and 2 hectares of employment land at Long Road/Clacton Road, Mistley. There is no proposal to increase the number of homes, the height of development or the amount or nature of commercial development. Although officers are aware of a separate application seeking an increase in housing, this will need to be determined on its own merits and need not influence the determination of this application.
- 6.27 Although the proposal would result in a reduction in the amount of open space on the site compared with what was originally proposed, the reduction is considered to be acceptable particularly as the quantum of open space would still significantly exceed the 10% threshold required by Local Plan policy and would be located in positions that mitigate the visual and landscape impact of the development whilst still providing a considerable area for formal and informal recreation and ecological enhancement.

- 6.28 The repositioning of the access point along Clacton Road does not give rise to concern in respect of highway capacity or safety, and the re-positioning of the employment land to the south-eastern corner of the site is considered to be pragmatic in terms of securing more direct access from the highway network and in protecting future residential amenity.
- 6.29 The amended parameter landscape plans would ensure that there would be sufficient space for substantial boundary and integral landscaping. The parameter building heights plan would ensure that varied building heights would be incorporated to produce a development that would blend with the landscape in terms of scale and address the juxtaposition of the built development with the local landscape character within this exposed rural setting. The landscape and building height parameters proposed would ensure that the development would protect the districts landscape as required by policies QL9, EN1, SPL3 and PPL3.
- 6.30 The application is considered to have successfully addressed the Reasons for Refusal in respect of the similar application for Variation of Condition 4 Ref: 17/00534/OUT. As such the application is recommended for approval. If the Committee accepts the recommendation, an outline planning permission will be granted with the relevant planning condition amended to reflect the change to the plans. The s106 legal agreement will also continue to apply to the new consent.

Background Papers

None