

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/10/2018
Planning Development Manager authorisation:	AN	30/10/18
Admin checks / despatch completed	JB	31/10/18

**Application:** 18/01640/NMA

**Town / Parish:** Alresford Parish Council

**Applicant:** Mr Michael Simpson - CSR Construction Ltd

**Address:** The Pointer Inn Wivenhoe Road Alresford

**Development:** Non-material amendment to approved Planning Application 18/00995/FUL - removal of brick pillars & to replace with concrete posts.

### 1. Town / Parish Council

Not applicable.

### 2. Consultation Responses

Not applicable.

### 3. Planning History

06/00169/FUL	Forming new patio doors to side elevation	Approved	19.04.2006
18/00995/FUL	Erection of two detached houses with detached bin/cycle stores, 1.8m high brick wall with timber panels served by new vehicle access and associated parking.	Approved	15.08.2018
18/01641/DISCON	Discharge of condition 14 (Materials) to approved planning application 18/00995/FUL.	Current	

### 4. Relevant Policies / Government Guidance

Not applicable.

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to

address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

From 1st October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority, on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non-material.

The key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no', three further tests should be applied:

1. Is the proposed significant in terms of its scale (magnitude, degree etc.), 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?

### Appraisal

The proposal comprises of the following amendments to planning approval 18/00995/FUL:

**- Change from 'New 1.8m high brickwork wall with close boarded timber infill panels' as shown on approved drawing number 17-2489-100 Revision P2 to 'New 1.8m high close boarded timber infill panels and concrete posts' as shown on drawing no. 02 rev. A.**

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The boundary of the site and adjacent public house are enclosed by timber fencing and the proposed change will not appear out of keeping. The proposed amendments would not result in any additional impact or harm to visual amenity and no third parties would be disadvantaged in any way as a result of the proposed alterations.

Conclusion

In this instance it is considered the amendments being sought are minor and are therefore acceptable as a non-material amendment to the approved plans attached to 18/00995/FUL.

**6. Recommendation**

Approval Non Material Amendment

**7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 17-2489-104 Revision P1, Drawing No. 17-2489-103 Revision P1, Drawing No. 17-2489-102 Revision P1, Drawing No. 17-2489-101 Revision P1 and drawing no. 02 rev. A.

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

**8. Informatives**

No Dig Construction

Please note that Condition 11 of planning permission 18/00995/FUL refers to a no dig construction technique to be adhered to for the new boundary wall. This would still be applicable to the proposed concrete posts along the south and eastern boundaries of the site falling within the Root Protection Area of the retained sycamore tree T3 of the Tree Report to ensure the continued good health and viability of a tree with high visual amenity value.