

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/12/2018
Planning Development Manager authorisation:	SCE	21.12.18
Admin checks / despatch completed	ER SB	21/12/18 21/12/18

Application: 18/01837/NMA **Town / Parish:** Weeley Parish Council

Applicant: Mr Will Vote - Rose Builders (Willow Farm) Ltd

Address: Land adjacent Willow Farm Mill Lane Weeley Heath

Development: Handing Plot 40 and the re positioning of the front dormers to plots 38,40 and 45

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

13/00412/OUT	Outline application for 10 No. aspiration houses together with new road junction.	Approved	15.07.2013
15/00541/OUT	Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.	Approved	18.03.2016
16/01444/DISCON	Discharge of conditions 7 (Drainage Ditch/Watercourse), Condition 11 (Drainage Ditch/Watercourse), Condition 12 (Vehicular Access and Vehicular Crossing), Condition 16 (Bicycle Storage), Condition 18 (Vehicular Turning Facility), Conditions 22 (Surface Water Drainage Scheme), Condition 23 (Scheme for Offsite Flooding), Conditions 24 (Surface Water Drainage Scheme), Condition 25 (Hard and Soft Landscaping), Condition 27 (Ecological Management Scheme),	Approved	23.05.2018

	Condition 28 (Remediation Method Statement), Condition 29 (Asbestos Survey), Condition 30 (Construction Method Statement), Condition 31 and Condition 32 (Implementation Measures Scheme) of the approved planning application 15/00541/OUT.		
16/01456/DETAIL	Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.	Approved	10.03.2017
18/00903/DISCON	Discharge of Condition 25 (hard and soft landscaping) of planning permission 15/00541/OUT.	Approved	15.06.2018
18/00904/NMA	Amendments to 15/00541/OUT & 16/01456/DETAIL to change roof pitches, reduce chimney heights and amend design, increase attenuation basin size; move parking spaces; relocation of Plots 35, 36, 45 and 46; changes to fenestration and doors; amended eaves and plinth details; increase in size of utility room on 2 plots; material changes and landscape changes to reflect the layout changes.	Approved	04.07.2018
18/00905/FUL	Erection of single storey telecommunication cabinet with associated hardstanding.	Approved	01.08.2018

4. Relevant Policies / Government Guidance

N/A

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 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 15/00541/OUT:
-Handing Plot 40 and the re positioning of the front dormers to plots 38, 40 and 45.

The handing of plot 40 and the repositioning of the dormer windows all relate to proposed windows and would not result in any additional harm to local resident's amenity. Furthermore, the alterations would not materially change the external appearance of the property.

Taking all the relevant issues into account it is considered that the alterations to planning permission 15/00541/OUT do not result in any material amendment to that permission or have any significant detrimental impact on visual or residential amenity and thus complies with national and local planning policies.

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 15/00541/OUT.

6. Recommendation

Approval – Non Material Amendment

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 16/07/02 Rev E, Drawing No. 16/07/16 Rev B, Drawing No. 16/07/03 Rev A and Drawing No. 16/07/04/ Rev C.

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

8. Informatives

N/A

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