

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|----------|
| File completed and officer recommendation: | AN | 02/05/19 |
| Planning Development Manager authorisation: | SCE | 02.05.19 |
| Admin checks / despatch completed | ER | 02/05/19 |

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Application: 19/00470/NMA **Town / Parish:** Great Bentley Parish Council

Applicant: Zebra Homes

Address: Gable Farm Aingers Green Road Aingers Green

Development: Non-material amendment of application 18/00102/FUL to remove soldier brick slip course, remove bay windows to plots 1, 2 and 3 and remove brick slip string course.

1. Town / Parish Council

2. Consultation Responses

3. Planning History

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| 16/01618/OUT | Proposed 4 No. detached dwellings and garages and access from "Gable Farm". | Approved | 08.12.2016 |
| 17/00397/OUT | Variation of condition 5 of application 16/01618/OUT, omission of site splays and variation of height to adjacent walls to site. | Approved | 27.04.2017 |
| 18/00102/FUL | Erection of four dwellings - following granting of outline permission. | Approved | 31.05.2018 |
| 18/01490/DISCON | Discharge of conditions to approved planning application 18/00102/FUL - 3) Access Details, 4) Unbound Materials, 5) Gates, 6) Turning Facility, 7) Bin Store, 9) Landscaping Details, 10) Hard Landscaping 11) Materials 12) Boundary Treatments. | Approved | 07.03.2019 |

4. Relevant Policies / Government Guidance

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

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

In this instance the proposed amendments seek a non-material amendment to planning permission 18/00102/FUL, to remove detailed design features. These are the single front bay windows to Plots 1, 2 and 3 replacing them with a standard window; removing the brick soldier course above the ground floor windows and doors to Plots 2, 3 and 4; and removing the low level brick strip course from Plots 2 and 3.

These changes all dilute the approved design which is unfortunate but given the backland siting of the development would not result in material harm to visual amenity, and would result in no change to amenity.

Taking all the relevant issues into account it is considered that the alteration to planning permission 18/00102/FUL does not result in any material amendment to that permission or have any significant detrimental impact on visual or residential amenity or highway safety 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 18/00102/FUL.

6. Recommendation

Approval Non Material Amendment

7. Conditions / Reasons for Refusal

01 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 6B, 7B and 8B; and Location Plan and Drawing Numbers 4B and 5 submitted under 18/00102/FUL.

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

8. Informatives