

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/12/2019
Planning Development Manager authorisation:	TF	09/12/2019
Admin checks / despatch completed	ce	10-12-2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	en	10/12/19

Application: 19/01725/NMA **Town / Parish:** St Osyth Parish Council

Applicant: Mr Sargeant

Address: St Osyth Priory The Bury St Osyth

Development: Non material amendment to planning permission 18/01166/FUL - Alter arrangement of central landscaping area to include the relocation of 4 car parking spaces.

1. Town / Parish Council

St Osyth Parish Council No comments received

2. Consultation Responses

Tree & Landscape Officer The proposed removal of the car parking spaces from the open space will improve both the character and appearance of the public realm and is a positive amendment.

3. Planning History

16/00656/FUL	Demolition of existing property at 7 Mill Street and the creation of 72 no. two, three and four bedroom houses, plus associated roads, car parking, garages and landscaping.	Approved	18.11.2016
16/00671/FUL	Erection of 17 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.	Approved	18.11.2016
16/00786/FUL	Proposed new build garages, access and metal park rail fences.	Approved	29.07.2016
16/01057/DISCON	Discharge of condition 2 (Details of materials) of approved planning application 12/01285/LBC.	Approved	23.08.2016
16/01258/DISCON	Discharge of condition 4 (materials) of Listed Building Consent 14/00993/LBC.	Approved	21.09.2016

17/00471/FUL	Demolition of pump-house building (including the removal of boilers/flue) and the erection of a building adjoining the bury boundary wall, for uses as a store.	Approved	16.06.2017
17/00472/FUL	Erection of new substation building (containing emergency generator and bunded diesel tank) and subterranean gas governor valve.	Approved	16.06.2017
17/00634/FUL	Variation of condition 3 of planning permission 16/00671/FUL - To allow the re-location of Lake House North and South Lodge.	Approved	19.12.2018
17/00674/LBC	Demolition of pump-house building (including the removal of boilers and flue) and the erection of a building adjoining the bury boundary wall for use as a store.	Approved	16.06.2017
17/01175/FUL	Variation of condition 3 of 16/00656/FUL to allow amendments to the elevations and layout of Phase 1 and removal of condition 14 part e to remove the requirement to relocate the bus stop.	Approved	21.12.2018
17/01593/DISCON	Discharge of conditions 02 (S106 Agreement), 07 (Construction details), 08 (Wastewater Strategy), 09 (Foul Water Strategy), 10 (Surface Water Strategy) 11 (Landscape/ habitat management plan), 12 (Construction and Environmental management Plan), 13 (Cleaning facility), 14 (Highways details), 15 (Amendments to Drawings), 17 (Local Recruitment Strategy), 19 (External Lighting) and 20 (Construction Method Statement) of Planning Permission 16/00656/FUL. Discharge of Conditions 02 (S106 Agreement), 08 (Construction Details), 12 (Landscape/ habitat management plan), 14 (Construction and Environment Plan), 15 (Cleaning facility), 17 (Local Recruitment Strategy) and 19 (Construction Method Statement) of planning permission 16/00671/FUL.	Approved	18.09.2018
17/01683/DISCON	Discharge of condition 03 (landscaping) of planning permission 17/00472/FUL.	Approved	10.04.2018

17/01735/DISCON	Discharge of condition 03 (external facing, roofing and hardsurfacing materials), 04 (hard and soft landscaping), 08 (written scheme of investigation), 10 (details of new or replacement windows and doors) and 11 (new balustrade and staircase drawings) of approved planning permission 14/01008/FUL. Discharge of condition 03 (external facing, roofing and hardsurfacing materials), 04 (hard and soft landscaping), 05 (details of new or replacement windows and doors) and 6 (new balustrade and staircase drawings) of planning permission 14/01009/LBC.	Approved	04.01.2018
17/01828/DISCON	Discharge of condition 4 (Materials) of approved planning application 16/00656/FUL.	Approved	29.05.2018
17/01843/FUL	Variation of condition 2 of 11/00333/OUT - condition to be amended from "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of three years from the date of the permission" To - "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of five years from the date of the permission".	Approved	
18/00042/DISCON	Discharge of condition 2 (wall details) of planning permission 15/01060/FUL.	Approved	26.01.2018
18/01166/FUL	Variation of condition 2 of approved application 17/01175/FUL to allow amendments to the elevations and layout of Phase 2.	Approved	18.04.2019
18/01596/FUL	Erection of 14 dwellings. (As part of previously approved West Field scheme.)	Current	
19/00032/FUL	Variation of Condition 2 (Approved plans) of application 17/00634/FUL - to allow amendments to the elevations of Lake House North and the re-building of the end gable serving Nuns Hall.	Approved	08.04.2019

07.06.2019

19/01373/DISCON	Discharge of condition 20 (Travel Pack) of approved application 18/01166/FUL.	Approved	30.09.2019
19/01507/DISCON	Discharge of conditions 3 (Materials); 8 (Wastewater Strategy); 9 (Foul Water Strategy); and 10 (Surface Water Scheme) for approved application 19/00032/FUL (Lake House North only)	Current	
19/01523/FUL	Proposed conversion of the drying shed to a one-bed holiday let.	Current	
19/01524/LBC	Proposed conversion of the drying shed to a one-bed holiday let.	Current	
19/01614/AGRIC	Installation of an agricultural track.	Determination	15.11.2019
19/01641/DISCON	Discharge of conditions 06 (Archaeology) and 15 (CEMP) of planning permission 19/00032/FUL.	Current	
19/01694/DISCON	Discharge of condition Condition 9 (Wastewater strategy); Condition 11 (Foulwater Strategy); Condition 13 (Surface Water Drainage); Condition 16 (Hard and Soft Landscaping); Condition 23 (External Lighting); Condition 27 (Landscaping Habitat); 28 (CEMP); 29 (Archaeology of planning permission 18/01166/FUL.	Current	
19/01725/NMA	Non material amendment to planning permission 18/01166/FUL - Alter arrangement of central landscaping area to include the relocation of 4 car parking spaces.	Current	

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 (2019) 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 change 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 18/01166/FUL to incorporate the following changes;

- Re-location of the 4 no. visitor parking spaces from within the central landscaped area to elsewhere in existing areas of parking incorporated within the layout.

In this instance the changes proposed do not represent a significant change from the existing approval. This does not materially impact on the function of the parking spaces or the quantum. As a result, it is deemed beneficial from an amenity perspective to omit the need for parking within the central open space. The Council's Trees and Landscaping Officer confirms this view.

There would not be a detrimental impact in respect of visual amenity and no third party would be disadvantaged in any way from the proposed amendments.

Taking into consideration the above the changes proposed to planning permission 18/01166/FUL will not result in any significant change to the development overall. On this basis, the application complies with national and local planning policies.

Conclusion

In this instance it is considered the amendments being sought are minor and would be of benefit to the appearance, layout and function of the development. As such they are therefore acceptable as a non-material amendment to the approved plans attached to 18/01166/FUL.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- CC-STO-102 Revision B

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

8. Informatives

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