

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	03/02/2020
Planning Development Manager authorisation:	TF	20/02/2020
Admin checks / despatch completed	CC	20/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DNE	20/02/2020

Application: 20/00024/NMA **Town / Parish:** Clacton Non Parished

Applicant: Tendring District Council

Address: Plots 5-10 Land adjacent Lotus Way Tamarisk Way Jaywick

Development: Non Material Amendment of window configuration for approved application 17/01032/FUL.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

n/a

3. Planning History

17/00877/FUL	Proposed redevelopment of vacant site for 10no. two bedroom starter homes.	Approved	
17/01030/FUL	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Approved	21.09.2017
17/01032/FUL	Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Approved	21.09.2017
18/01377/NMA	Non-material amendment to approved planning application 17/01030/FUL - relocation of proposed substation & gable end detail - rear elevation.	Approved	13.09.2018
18/01378/NMA	Non-material amendment to approved planning application 17/01032/FUL - relocation of proposed substation & gable band	Approved	25.09.2018

detail - rear elevation.

20/00022/NMA	Non Material Amendment of window configuration for approved application 17/01030/FUL.	Current
20/00024/NMA	Non Material Amendment of window configuration for approved application 17/01032/FUL.	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 17/01032/FUL to incorporate the following changes;

- Rear elevation first floor double window serving a bedroom reduced to single width;
- Rear elevation second floor full height window and half height windows reversed; and
- Landing windows to side elevation omitted.

In this instance the changes proposed do not represent a significant change from the existing approval. The changes relate solely to the window configuration at the rear and side of the building and therefore do not represent material changes to the scale, degree and magnitude of the development. 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 all the relevant issues into account it is considered that the alterations proposed to planning permission 17/01032/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 are therefore acceptable as a non-material amendment to the approved plans attached to 17/01032/FUL.

6. Recommendation

Approval

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 601 C
 - 602 C
 - 603
 - 605 C

- 606 A
- 607 A

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