

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	8 th April 2021
Planning Development Manager authorisation:	SCE	09.04.2021
Admin checks / despatch completed	DB	09.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09.04.2021

Application: 21/00365/NMA **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Paul Coham

Address: The Lodge at 22 Harwich Road Ardleigh

Development: Non-Material Amendment to Planning Permission (granted under Appeal ref: APP/P1560/W/18/3205269) for 3 bedroom detached dwelling with external parking space at 22 Harwich Road, Ardleigh. Amendments to consist of removal of glazed roof, replaced with traditional tile and additional dormer in centre of roof, same size as proposed dormers at either ends of roof

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

17/02160/FUL	Proposed development of 1no. three bedroom detached dwelling with parking space.	Refused	09.02.2018
21/00365/NMA	Non-Material Amendment to Planning Permission (granted under Appeal ref: APP/P1560/W/18/3205269) for 3 bedroom detached dwelling with external parking space at 22 Harwich Road, Ardleigh. Amendments to consist of removal of glazed roof, replaced with traditional tile and additional dormer in centre of roof, same size as proposed dormers at either ends of roof	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal

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 consist of removal of glazed roof, replaced with traditional tile and additional dormer in centre of roof, same size as proposed dormers at either ends of roof. No plans have been submitted.

In this instance the changes proposed, which include a change to construction materials of quite a significant-sized element and the addition of a further dormer represent a significant change from the existing approval.

Conclusion

In this instance it is considered the amendments being sought are not minor and a Section 73 (Variation to an Approved Application) would be required.

6. **Reasons for Refusal**

- 1 Having assessed the alterations it is considered that the changes proposed would represent a material alteration from what was previously approved in planning application no. 17/02160/FUL (allowed on appeal). Therefore a full planning application is required to implement the changes described in the application form.

7. **Informatives**

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO