

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	26/05/2021
Planning Development Manager authorisation:	JJ	26/05/2021
Admin checks / despatch completed	ER	26/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.05.2021

Application: 21/00741/NMA **Town / Parish:** Lawford Parish Council

Applicant: Mr Will Vote - Rose Builders (Properties) Ltd

Address: Land East of Bromley Road Lawford

Development: Application for a Non-Material Amendment to Planning Permission ref: 15/00876/OUT dated 13/04/2017 for the proposed substitution of the hipped Albertine for the gabled Albertine house type

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

15/30021/PREA PP	Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings).	06.02.2015
15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open	Approved 13.04.2017

	space, structural landscaping and playground.		
17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
18/00304/DISCON	Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT	Approved	30.10.2018
18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved planning application 15/00876/OUT.	Approved	02.07.2018
18/01094/DISCON	Discharge of Condition 19 (street lighting) of 15/00876/OUT.	Approved	17.08.2018
18/01548/DISCON	Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT.	Approved	11.02.2019
19/00211/FUL	Re-location of approved electrical substation (retrospective) and parking spaces.	Approved	07.06.2019
19/00274/DISCON	Discharge of Condition 18C (Archaeological Excavation	Approved	28.03.2019

	Report) of application 15/00876/OUT.		
19/00900/DISCO N	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019
19/01475/DETAI L	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	09.07.2020
19/01498/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.		04.11.2019
19/01698/DISCO N	Discharge of condition 07 (construction Management Plan) 12 (Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft Landscaping) 16 (Ecological mitigation scheme) 18 (Archaeology WSI) 19 (Refuse and external materials) 20 (construction Method Statement) and 24 (Remediation) of planning permission 15/00876/OUT.	Approved	29.05.2020
19/01751/DETAI L	Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side	Approved	28.08.2020

	elevations, and internal layout to "Alexander" house type at plots 75-79.		
20/00178/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.	Approved	25.03.2020
20/00458/OUT	Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation.	Approved	01.04.2021
20/00480/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 3 of outline permission (15/00876/OUT) including 100 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	04.12.2020
20/00707/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.	Approved	18.06.2020
20/00773/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.		22.01.2021
20/01224/FUL	Proposed children's nursery.	Approved	18.11.2020
20/01337/DISCON	Discharge of condition 17 (tree protection) for phase 2 of	Approved	07.12.2020

	planning permission 15/00876/OUT.		
20/01597/DISCON	Discharge of conditions 7 (Construction Management Plan) and 20 (Construction Method Statement) of the approved planning application 15/00876/OUT, phase 2 only	Approved	26.02.2021
20/01681/DISCON	Discharge of condition 14 (Construction Management Plan) of approved planning application 20/01224/FUL.	Approved	26.01.2021
21/00026/DISCON	Discharge of condition 18 (archaeology) of approved planning application 15/00876/OUT.		16.02.2021
21/00141/NMA	Non-Material Amendment to previously approved 20/01224/FUL - revised railing position.	Approved	25.02.2021
21/00212/DISCON	Discharge of condition 19 (street lighting) of approved planning application 15/00876/OUT for Phase 2 only.	Approved	29.03.2021
21/00650/OUT	Variation of Condition 9 (Delivery of various highways improvement works) of approved application 15/00876/OUT (corresponding Condition 6 of a recently approved variation application 20/00458/OUT).	Current	
21/00741/NMA	Application for a Non-Material Amendment to Planning Permission ref: 15/00876/OUT dated 13/04/2017 for the proposed substitution of the hipped Albertine for the gabled Albertine house type	Current	
21/00859/DISCON	Discharge of condition 10 (Hard and Soft Landscaping) of approved planning application 20/00458/OUT	Current	

4. Relevant Legislation/ Policies / Government Guidance

Section 96A of the Town and Country Planning Act 1990 (as amended)

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 (including Site Description and Proposal)

Section 96A of the Town and Country Planning Act allows 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

Plots 194, 197, 198 and 200 are shown to be the hipped Albertine on the approved site layout. These four plots are proposed to be changed to a gable version. The 'gabled' Albertine is an approved building type on Phase 2, although not in these locations.

The developer is concerned with the buildability of the hipped roof, involving the roof trusses and well as the lead work in the valley and corresponding ridge tiles.

The house type stays the same, the only change being the hip to gable, or roof design. The ridge height and roof material are unchanged. There is a minor alteration to the position of the dwelling. The chimney is also retained. While as mentioned, the same design has been approved elsewhere on the phase of the development.

The gap between 193 and 194 involves a public footpath therefore the impact here is minor. However, the gap between 197 and 198 is close, this does not even involve room for a car to park. The distance is 2m between each flank wall. Therefore, the hipped roof on both 197 and 198 helps break up the sky line between the two dwellings. Plot 200 and 201 are separated by a car space, therefore the impact is between the 193 /194 (wider) and 197 /198 (narrower) examples.

The plots further east 201 to 205 have generally 2 car spaces separating them. While, the hipped roof trend continues from 186 to 179.

Of importance in this case is the existence of permitted development rights. Effectively, these dwellings could, undertake this roof conversion or something similar, without the benefit of planning permission.

Also, given the near 45m distance back to back from the existing properties on Long Road and the host dwellings in question. The minor loss of openness or permeability into the site from the perspective if these existing dwellings is considered on balance acceptable.

Therefore, it is considered that the change proposed does not represent a significant change from the existing approval. There would not be a detrimental impact in respect of visual amenity or residential amenity and no third party would be disadvantaged in any way from the proposed amendments. Officers would have preferred a clipped gable especially between plots 197 and 198. However, given the absence of Class B permitted development rights removal this is considered difficult to substantiate.

The viewpoint if looking at a location boarding the countryside would have been different from the view taken in the host location, ie backing onto existing dwellings. In a location adjacent to the countryside, a clipped gable roof would have been considered appropriate.

However, taking into consideration the above, the changes proposed to planning permission, 15/00876/OUT and Reserve Matters application 19/01475/DETAIL, would 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 19/01475/DETAIL.

6. Recommendation

Approval – Non Material Amendments

7. Conclusion

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

981s ph2 . I . 027 Albertine (gable) - proposed side and rear elevations

981s ph2 . I . 011 (c) Proposed site layout

981s ph2 . I . 026(a) Proposed floor plans and elevations

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

8. Informatives

None

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