

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	30/06/2021
Planning Development Manager authorisation:	TF	30/06/2021
Admin checks / despatch completed	DB	01.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.07.2021

Application: 21/01043/NMA **Town / Parish:** Wix Parish Council

Applicant: Ms J Zheng - Northeast Real Estate Development Ltd

Address: Land to The rear of White Hart House Harwich Road Wix

Development: Non-Material amendment to Planning Application ref: 16/00871/DETAIL (Reserved matters application for approval of landscaping and appearance, for construction of 10 No. houses with associated access and parking) dated 10/11/2016. Amendment sought to make minor changes to window locations and omission of 2 No. windows

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

12/01135/OUT	Construction of 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.	Approved	22.07.2013
16/00871/DETAIL	Reserved matters application for approval of landscaping and appearance, for construction of 10 no houses with associated access and parking, including discharge of condition 7 (site levels), 15 (bicycle storage), 16 (onsite parking/loading) and 17 (wheel and underbody cleaning facilities) of planning permission 12/01135/OUT.	Approved	10.11.2016
19/00740/FUL	Proposed new dwelling.	Approved	07.11.2019
19/01215/OUT	Variation of condition 12 of application 12/01135/OUT to amend turning facilities.	Approved	14.11.2019
19/01275/DISCON	Discharge of conditions 16	Approved	17.09.2019

	(parking) and 17 (cleaning facilities) for approved application 12/01135/OUT.		
19/01784/DISCON	Discharge of conditions 03 (materials) and 05 (boundary treatment) of planning permission 19/00740/FUL.	Approved	02.12.2019
21/00326/DETAIL	Approval of reserved matters for approved application 19/01215/OUT (Variation of condition 12 of application 12/01135/OUT to amend turning facilities)	Approved	16.04.2021
21/00547/OUT	Variation of condition 15 of application 19/01215/OUT to 'Prior to the occupation of the fifth dwelling, the unmarked bus stop outside the White Hart Public House shall be improved by the provision of level entry kerbing, new post and flag, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel across the entire sites frontage, in a manner to have been previously agreed in writing with the Local Planning Authority.'	Approved	21.06.2021

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.

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

In this instance the application seeks a non-material amendment to planning permission 16/00871/DETAIL (Reserved matters application for approval of landscaping and appearance, for construction of 10 No. houses with associated access and parking) dated 10/11/2016. Amendment sought to make minor changes to window locations and omission of 2 No. windows to implement the following changes to the development;

- Amendments to the fenestration of the following plots:

Plot 2 and 3

Front Elevation - Changes to the type and location of windows

South Elevation - Omission of 1 x ground floor window

North Elevation - Omission of 1 x ground floor window

Rear Elevation - Insertion of ground floor gable window to plot 2 as well as changes to the location of the windows

Plot 4 and 5

Front Elevation - Minor changes to location of windows and addition of ground floor window by front door

East Elevation - Omission of window

Plot 6, 7 and 9

Changes to type of windows

Plot 8

Front Elevation - Changes to window locations

Rear Elevation - Changes to window locations and types.

In this instance the changes proposed do not represent a significant change from the existing approval. The change does not represent a material change 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 amendment.

Taking all the relevant issues into account it is considered that the alterations proposed to planning permission 16/00871/DETAIL 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 16/00871/DETAIL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

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

- Drawing No. NMA - 11
- Drawing No. NMA - 12
- Drawing No. NMA - 13
- Drawing No. NMA - 14

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

8. Informatives

N/A

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