

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	17/06/2022
Planning Development Manager authorisation:	JJ	21/06/2022
Admin checks / despatch completed	DB	24.06.2022
/Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	24/06/2022

Application: 22/00935/NMA **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr Olu Olushanu - Mayes Lane SPV Limited

Address: Land to The South of Ramsey Road Ramsey

Development: Non-material amendment sought to 19/00917/OUT to amend description of development from 'Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space' to 'Outline application for development of 31 dwellings and 10 bungalows and associated open space' to remove reference to 'older persons'.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

19/00917/OUT	Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.	Approved	27.08.2020
21/00376/DETAIL	Application for reserved matters following approval of outline consent 19/00917/OUT for the development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space, incorporating details to discharge of conditions 8 (vehicular access - Ramsey Road), 9 (vehicular access - Mayes Lane), 11 (surface water discharge), 12 (estate roads and footways), 13 (construction method statement), 16 (landscape management plan), 22 (surface water drainage), 24 (archaeology) and 26 (construction phasing) of outline consent 19/00917/OUT.	Approved	11.11.2021

21/01983/DISCON	Discharge of condition 10 (Ground investigation report) of application 21/00376/DETAIL.	Approved	07.12.2021
21/02004/DISCON	Discharge of Conditions 11 (Electric vehicle charging facilities scheme) and 12 (Renewable energy scheme) of approved application 21/00376/DETAIL.	Approved	17.01.2022
22/00368/ROC	Proposed removal of condition 18 of application 19/00917/OUT to remove age limit.	Current	
22/00656/DISCON	Discharge of condition 24 (Written scheme of archaeological investigation) of application 19/00917/OUT.	Approved	07.06.2022
22/00935/NMA	Non-material amendment sought to 19/00917/OUT to amend description of development from 'Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space' to 'Outline application for development of 31 dwellings and 10 bungalows and associated open space' to remove reference to 'older persons'.	Current	

4. Relevant Policies / Government Guidance

n/a

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of Ramsey Road at the western end of the settlement of Dovercourt. The site is located within the defined settlement boundary of Dovercourt in the Tendring District Local Plan 2013-2033 and Beyond (Section 2). The site falls within the parish of Ramsey & Parkeston.

The site previously consisted of rough grazing land measuring approximately 1.8 hectares in size and is located between Ramsey Road and Mayes Lane. Within the northwest corner of the site previously contained former pig farrowing units and a block of stables. The site has recently been cleared. A vehicular access exists onto Ramsey Road between Michaelstowe House and Garden Villa (two large detached dwellings) and a further gated access is present onto Mayes Lane.

To the east of the site is the former Michaelstowe Farm for which planning permission exists for 14 dwellings. To the south is an estate of 90's housing predominantly consisting of detached family homes. The southern boundary of the site is marked by close-boarded fencing and hedging. To the south-west is the access onto Mayes Lane, which consists mainly of bungalows.

To the north-west of the site opposite Mayes Lane's junction with Ramsey Road is St Michael's Church, which is a Grade 1 listed building. Views of the church are not seen in conjunction with the site due to the presence of extensive trees and hedgerows within the neighbouring land to the west.

Outline Planning Permission 19/00917/OUT was issued on the 27th August 2020, the development approved was described as:

"Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space"

The subsequent Reserved Matters approval for the entire development was approved on the 11th November 2021.

The associated construction work has now commenced.

Proposal

This application seeks a non-material amendment to application 19/00917/OUT by way of a revision to the description of that application to remove the reference to 'older persons'.

The original outline application granted planning permission for 31 dwellings and 10 almshouse type bungalows for older persons. The reference to older persons was included in the description applied for and then secured by way of a condition.

The almshouses have been allocated for affordable housing (along with 2 no. of the dwellings). However, the registered social landlord looking to take on these properties will not do so with the age restriction in place given that there is no policy basis for such an age restriction and the impact the restriction has upon reducing the clientele able to reside in the units.

A S73 application has been submitted in parallel with this non-material amendment submission to remove the relevant age limiting condition included on the outline permission. However, as courts have established that the original application description cannot be altered via the S73 process, this non-material amendment application has been submitted to vary the outline description to the following;

'Outline application for development of 31 dwellings and 10 bungalows and associated open space'.

All other aspects of the development including the layout and design of the almshouses is to be retained as previously approved.

Assessment

This is an application for a Non-Material Amendment (NMA). Section 96A of the Town and County Planning Act 1990 says in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted. The Planning Practice Guidance confirms there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.

The key test as to the acceptability of an NMA application is whether the change is material to any development plan policy. The proposed changes to the wording of the outline description are, in relation to the scale and size of the whole development, considered to be minor and not material to any development plan policy. Then three further tests should be applied:

1. Is the proposed change significant in terms of its scale, 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?

In this instance the changes to the description are proposed to meet the requirements of the registered social landlord aiming to take on the affordable housing units.

In this respect, it is important to note that there is no planning policy requirement for specialist elderly housing on this site. It was merely the applicant's desire to provide this type of accommodation at the outline stage, hence the inclusion of words to that effect in the description of the development (as provided by the applicant in the outline application form submitted with application 19/00917/OUT).

Consequently, as there was no planning policy requirement for the provision of elderly accommodation, there was no need to limit the occupancy of some of the dwellings to persons over 65 years. As such, there was no planning purpose for the description (as put forward by the applicant at the time) and as it currently reads, or the associated condition.

Moreover, the almshouses are not specifically equipped for the elderly in their layout or design and the parking provision meets the parking standards for open market housing and has not been approved at a reduced parking level to reflect any particular specialist housing group or for use by the elderly.

The applicants have engaged with the Council's Housing Team prior to this submission and they have confirmed that they have no objections to the proposals as it would open up the affordable housing to a wider spectrum of potential tenants.

Therefore, the homes approved meet all housing standards and policy requirements to allow occupation by people of any age, so there is no justification for their occupation to be encumbered.

The design and layout of the approved development remains as previously approved. It is therefore considered that the proposed revision to the description would not disadvantage the

interests of any third party or body who participated in, or were informed of, the original decision in anyway. In addition, as the revisions only relate to a change in the occupation limitations there is no material change to the scale, design or layout of the development and therefore no impact visually or upon local amenity.

Conclusion

The changes to the outline application description are non-material to 19/00917/OUT and the requirements of the adopted development plan and are therefore recommended for approval.

6. Recommendation

Approval

7. Conditions

No conditions

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