

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	19/04/2022
Planning Development Manager authorisation:	JJ	19/04/2022
Admin checks / despatch completed	ER	19.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	19.04.2022

**Application:** 22/00521/NMA **Town / Parish:** St Osyth Parish Council

**Applicant:** St Osyth Priory Estate Ltd

**Address:** St Osyth Priory The Bury St Osyth

**Development:** Non-material amendment sought to 18/01166/FUL to add an additional window to either gable end to allow for two additional bed spaces to the second floor of plots 13 and 14.

### 1. Town / Parish Council

N/A

### 2. Consultation Responses

N/A

### 3. Planning History

16/00656/FUL	Demolition of existing property at 7 Mill Street and the creation of 72 no. two, three and four bedroom houses, plus associated roads, car parking, garages and landscaping.	Approved	18.11.2016
17/01175/FUL	Variation of condition 3 of 16/00656/FUL to allow amendments to the elevations and layout of Phase 1 and removal of condition 14 part e to remove the requirement to relocate the bus stop.	Approved	21.12.2018
17/01593/DISCON	Discharge of conditions 02 (S106 Agreement), 07 (Construction details), 08 (Wastewater Strategy), 09 (Foul Water Strategy), 10 (Surface Water Strategy) 11 (Landscape/ habitat management plan), 12 (Construction and Environmental management Plan), 13 (Cleaning facility), 14 (Highways details), 15 (Amendments to Drawings), 17 (Local Recruitment Strategy), 19 (External Lighting) and 20 (Construction Method	Approved	18.09.2018

	Statement) of Planning Permission 16/00656/FUL. Discharge of Conditions 02 (S106 Agreement), 08 (Construction Details), 12 (Landscape/ habitat management plan), 14 (Construction and Environment Plan), 15 (Cleaning facility), 17 (Local Recruitment Strategy) and 19 (Construction Method Statement) of planning permission 16/00671/FUL.		
17/01828/DISCON	Discharge of condition 4 (Materials) of approved planning application 16/00656/FUL.	Approved	29.05.2018
18/01166/FUL	Variation of condition 2 of approved application 17/01175/FUL to allow amendments to the elevations and layout of Phase 2.	Approved	18.04.2019
18/01596/FUL	Erection of 14 dwellings. (As part of previously approved West Field scheme.)	Approved	01.06.2020
19/01373/DISCON	Discharge of condition 20 (Travel Pack) of approved application 18/01166/FUL.	Approved	30.09.2019
19/30158/PREAPP	To rebuild 2no structures known as Lodge Paddock and Stable Paddock.	Refused	28.02.2020
19/01507/DISCON	Discharge of conditions 3 (Materials); 8 (Wastewater Strategy); 9 (Foul Water Strategy); and 10 (Surface Water Scheme) for approved application 19/00032/FUL (Lake House North only)	Approved	24.08.2020
19/01694/DISCON	Discharge of condition Condition 9 (Wastewater strategy); Condition 11 (Foulwater Strategy); Condition 13 (Surface Water Drainage); Condition 16 (Hard and Soft Landscaping); Condition 23 (External Lighting); Condition 27 (Landscaping Habitat); 28 (CEMP); 29 (Archaeology of planning permission 18/01166/FUL.	Approved	21.08.2020
19/01725/NMA	Non material amendment to planning permission 18/01166/FUL - Alter arrangement of central landscaping area to include the relocation of 4 car parking spaces.	Approved	10.12.2019

20/01463/NMA	Non material amendment of approved application 18/01596/FUL to improve the layout and relationship of the dwellings within the street scene by changing the house type at Plot 11.	Approved	03.12.2020
20/01713/NMA	Non-material amendment of approved application 18/01166/FUL to improve the layout and relationship of respective dwellings and car parking provision.	Approved	17.12.2020
21/00556/NMA	Non-material amendment of application 18/01166/FUL for the insertion of new window at the attic level on plot 28 of the West Field development.	Approved	11.05.2021
21/01321/NMA	Non-material amendment of application 18/01166/FUL - Improve the layout and relationship of plots 6-8, allowing plot 8 to have separate driveway and increased landscaping between plots 7 and 8.	Approved	11.08.2021
21/01913/NMA	Non-material amendment sought to 18/01166/FUL to substitute plot 20 at West Field from a 3 bed 3 storey unit to a 3 bed 2 storey unit with no change in the housing mix proposed. Plot 20 to change from house type E to house type D1.	Approved	02.12.2021
22/00046/NMA	Non-material amendment sought to 18/01166/FUL to substitute the approved housetype on plots 8 and 10 from housetype G2 to housetype F, there is no change to the unit mix proposed (both the approved and the proposed housetypes are 4 bed units). To extend the garage to the rear at plot 13 and to change the approved materials for plots 8 and 10 to brick and boarded (from brick and render).	Approved	16.02.2022
22/00146/NMA	Non-material amendment sought to 18/01166/FUL for addition of roof light and catslide dormer to plots 11,12,13,14 to allow natural light and access to loft storage space. Minor elevational changes.	Approved	15.03.2022
22/00521/NMA	Non-material amendment sought to 18/01166/FUL to add an additional window to either gable end to allow for two additional bed spaces to the	Current	

second floor of plots 13 and 14.

#### **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)**

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 changes proposed are 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?

## Proposal

Non-material amendment sought to 18/01166/FUL for addition of a window to either gable end (second floor level) to allow for two additional bed spaces to the second floor of plots 13 & 14 only. It is acknowledged that the stairs up to the second floor of these plots already formed part of recently approved NMA (Ref - 22/00146/NMA).

## Assessment

The changes proposed are considered minor and relate to insignificant fenestration changes.

These proposed windows are located within the gable ends of each property and would therefore not result in a material change to the appearance of the relevant property or the overall development.

In terms of overlooking the dwellings on plots 13 & 14 are set within generous plots within the north-west corner of the development. Consequently, the insertion of the windows would not result in any significant overlooking to existing residents or to future residents on neighbouring development plots.

Moreover, whilst it is acknowledged that the insertion of the windows facilitate the creation of 2 no. additional bedrooms for each dwelling, as the overall development scheme relates to an enabling development the additional bedrooms would not affect any legal obligations secured as part of the original planning permission for the estate. Furthermore, each property is served by private gardens and parking provision comfortably in excess of the policy requirements.

There were no representations received to this NMA application. The interests of any third party or body who participated in, or were informed of, the original decision would not therefore be disadvantaged in any way.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 107/13 (03)261 O and 107/13 (03)260 X.

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

## **8. Informatives**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<b>NO</b>