

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/10/2022
Planning Development Manager authorisation:	JJ	07/10/2022
Admin checks / despatch completed	ER	07/10/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07/10/2022

Application: 22/01612/NMA **Town / Parish:** Lawford Parish Council

Applicant: Mr Will Vote - Rose Builders

Address: Land East of Bromley Road Lawford

Development: Non Material Amendment to application reference 19/01475/DETAIL for amendments to Ophelia housetype incorporating amended kitchen design, alterations to front bays and alterations to the configuration of bedrooms causing minor alterations of window placement.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

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 space, structural landscaping and playground.	Approved	13.04.2017
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	Approved	30.10.2018

	(construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT		
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 Report) of application 15/00876/OUT.	Approved	28.03.2019
19/00900/DISCON	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019
19/01475/DETAIL	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
19/01698/DISCON	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
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

20/01337/DISCON	Discharge of condition 17 (tree protection) for phase 2 of planning permission 15/00876/OUT.	Approved	07.12.2020
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
21/00026/DISCON	Discharge of condition 18 (archaeology) of approved planning application 15/00876/OUT.		16.02.2021
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).	Approved	31.01.2022
22/01612/NMA	Non Material Amendment to application reference 19/01475/DETAIL for amendments to Ophelia housetype incorporating amended kitchen design, alterations to front bays and alterations to the configuration of bedrooms causing minor alterations of window placement.	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.

5. Officer Appraisal (including Site Description and Proposal)

Background

Outline planning permission was granted in April 2017 for '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 space, structural landscaping and playground'.

This is non-material amendment application relates to the second phase of the approved outline consent, which was approved under planning reference 19/01475/DETAIL and consists of 140 dwellings (14 affordable units and a play area).

Proposal

This non-material amendment application seeks revisions to the Ophelia Housetype only to incorporate the following revisions;

- Inclusion of a continuous canopy over the front bays (hipped version only);
- Alterations to the configuration of the bedrooms, which causes a minor alteration of window placement.
- Kitchen - re-design to layout.

These revisions apply to 4 plots in total within Phase 2 (plots 121, 245, 142 and 159).

Appraisal

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?

In this instance it is considered that the changes proposed do 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.

The location of plots 121, 245, 142 and 159 centrally within the development means that the slight re-configuration of the window placement would not disadvantage any third parties given that the re-located windows would not be visible from existing residential properties along Long Road to the north.

Taking into consideration the above the changes proposed to planning permission 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

7. Conditions

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

- 981S PH2.L.052 (A)
- 981S PH2.L.053 (A)
- 981S PH2.L.054 (A)
- 981S PH2.L.073

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

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