

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	JR	08.03.2023
Planning Manager / Team Leader authorisation:	JPG (see email dated 09/03/2023)	09/03/2023
Planning Technician final checks and despatch:	ER	09/03/2023

Application: 23/00221/NMA **Town / Parish:** Great Bentley Parish Council

Applicant: Stephen Williams - Hill Residential

Address: Land at Moorlands Farm Great Bentley Essex

Development: Non-Material Amendment to application reference 21/02176/FUL for

Plot 1 - change house type from HT8 to HT7,
Plot 2 - additional parking space added,
Plot 3 - change house type from HT32 to HT7,
Plot 4 - garage pushed deeper into garden,
Plots 5-6 - change house type from HT24 to HT5,
Plots 7-8 - switch to 2 beds and move slightly south
Plots 9-10 - bungalows moved slightly south,
Plots 11-12 - slight numbering change moved slightly south
Plots 13-14 - change house type from HT25 to HT24,
Plot 15 - change house type from HT7 to HT25,
Plot 20 - change house type from HT8 to HT32 and garage position amended,
Plot 22 - garage handed
Plot 26 - change house type from HT7 to HT8.

HT5 - square bay windows added, gable end feature stone added to elevations and dog tooth detailing added to front elevation,
HT7 - square bay windows added to front
HT32 - square bay window added to front and front door surround amended.

Changes to the unit mix to provide an additional 3 bed house and one less 4 bed house.

1. Town / Parish Council

N/A

2. Consultation Responses

Non-Material Amendments application submitted – therefore no consultation undertaken

3. Planning History

21/02176/FUL	Construction of 26 dwellings with associate access, parking, public open space, landscaping and other works	Approved	20.01.2023
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4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

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

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 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, 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?

Site Description

The application site is a parcel of land measuring 1.55 hectares, which is located to the south of south of Michael Wright Way and north of Weeley Road, within the parish of Great Bentley.

Proposal

This non-material amendment application comprises of alterations to planning approval 21/02176/FUL which granted permission for the construction of 26 dwellings with associated access, parking, public open space, landscaping and other works which was approved on 20th January 2023.

The changes proposed are as follows:

- Plot 1 - change house type from HT8 to HT7,
- Plot 2 - additional parking space added,
- Plot 3 - change house type from HT32 to HT7,
- Plot 4 -garage pushed deeper into garden,
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HT32 - square bay window added to front and front door surround amended.

Changes to the unit mix to provide an additional 3 bed house and one less 4 bed house.
The proposed amendments are shown on amended plans:

170209/03/A - HT5 - Proposed Floor Plans and Elevations
170209/04/A - HT7 - Proposed Floor Plans and Elevations
170209/10/ - HT32 - Proposed Floor Plans and Elevations
170209/NMA/300/ - Proposed Site Plan, Elevations and Roof Plan

Appraisal

The overall number of dwellings remains the same as that approved and the number and scope of the alterations proposed are not considered to result in material changes to the scheme from that approved. These changes both individually and as a whole are not considered to result in a materially altered scheme from that approved and therefore no consultations are considered to be required to be undertaken to either statutory consultees, neighbouring properties or the Parish Council.

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 21/02176/FUL.

6. Recommendation

Approve – Non-Material Amendment

7. Conditions

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

Drawing No - 170209/03/A HT5
Drawing No. - 170209/04/A HT7
Drawing No - 170209/10/- HT32
Drawing No - 170209/NMA/400/- Proposed site plan, elevations and roof plans

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO