

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	06/11/23
Planning Manager / Team Leader authorisation:	ML	06/11/2023
Planning Technician final checks and despatch:	BB	06/11/2023

Application: 23/01512/NMA **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Steve Hills - Hills Residential Construction Ltd

Address: Land at Moorlands Farm Weeley Road Great Bentley

Development: Non material amendment to application reference 21/02176/FUL to include installation of an automated gate at the entrance.

1. Town / Parish Council

Great Bentley Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

21/02176/FUL	Construction of 26 dwellings with associated access, parking, public open space, landscaping and other works	Approved	20.01.2023
22/00402/ROC	Removal of condition 12 iii of application 16/00133/OUT as Essex County Council had agreed that bus stops were not required in Heckfords Road and instead a contribution would be made to improve existing bus stops in Great Bentley.	Current	
22/01212/DISCON	Discharge of conditions 10 (Site plan), 12 (Construction method statement), 13 (Landscape and public open space management plan), 16 (Surface water drainage scheme), 19 (Archaeological written scheme of investigation), 20 (Eco-planning UK ecological maintenance plan), and 21 (Front and side elevations) of approved application 16/01999/OUT allowed at appeal APP/P1560/W/17/3174843, 17/00052/REFUSE in relation to the Doctors Surgery site.	Approved	07.10.2022

22/01213/DISCON	Discharge of conditions 3 (Details of an additional road calming measure), 5 (Detailed planting schedule for all planting within 35 metres of the entrance to the play area within 3 metres of the access road), 6 (Distance of 25 metres of forward visibility from Heckford Road up to the bend in the entrance road to the east), 7 (Details of a warning sign and sub-plate), 8 (Full details of the pedestrian dropped curb with tactile paving), 9 (Precise details of lighting, refuse storage/collection points and the types and colours of the fencing and gates materials for the play area, to be used in the construction), and 10 (Scheme of hard and soft landscaping) of approved application 21/00739/FUL.	Approved	25.05.2023
22/01305/DISCON	Discharge of condition 17 (Maintenance Plan) of application 16/01999/OUT (Granted on appeal under APP/P1560/W/17/3174843).	Approved	23.09.2022
23/00221/NMA	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, plots 9-10 - bungalows moved slightly south, plots 11-12 - slight numbering change, 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 and 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 and 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.	Approved	09.03.2023

23/00226/DISCON	Discharge of conditions 3 (Construction Phase Plan), 12 (Site Investigation), 13 (Foul Water Drainage Scheme) and 14 (Archaeology) of application 21/02176/FUL.	Approved	02.08.2023
23/00776/NMA	Non material amendment to application reference 20/00864/DETAIL For amendment to approved landscaping drawing 16.2030.02 Rev S to the front of plots 27-31 to retain the lawn finish.	Refused	30.06.2023

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

From 1st October 2009 Section 96A of the Town and Country Planning Act came into force allowing 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 proposed amendments seek a non-material amendment to planning permission 21/02176/FUL, in order to allow for the installation of an automated gate at the entrance to the north of the site.

The non-material amendment therefore seeks to substitute previously approved drawing number 170209/02/L with 170209/01/D, 170209/NMA/400, as well as additional drawing number SECURE - 036.

In this instance the changes proposed do not represent a significant change from the existing approval for 26 dwellings. There would be a degree of impact in respect of visual amenity, but not significantly so in the context of the overall development. There will be no alterations to the overall size, location or number of proposed dwellings, nor any additional impacts to neighbouring amenities.

Taking into consideration the above changes proposed to planning permission 21/02176/FUL, the revised scheme will not result in a significant change to the overall development. 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 21/02176/FUL.

6. Recommendation

Approval.

7. Conditions

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 170209/01/D, 170209/NMA/400 and SECURE - 036.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

8. Informatives

N/A