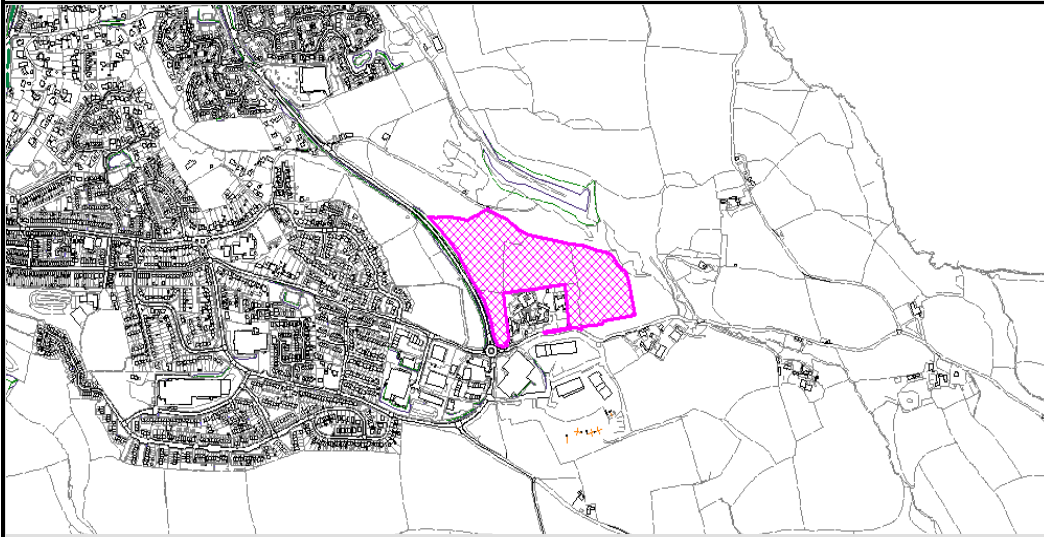


## Committee Report – 9 June 2022

<b>Application Number:</b>	1/0005/2022/NMAT
<b>Registration date:</b>	3 March 2022
<b>Expiry date:</b>	31 March 2022
<b>Applicant:</b>	Devonshire Homes
<b>Agent:</b>	
<b>Case Officer:</b>	James Jackson
<b>Site Address:</b>	Land At Manteo Way , East The Water, Devon,
<b>Proposal:</b>	Non-material amendment to planning permission 1/0523/2021/REMM
<b>Recommendation:</b>	Grant



**Reason for referral:**

Cllr Leather has called the application to Plans Committee, due to concerns that the proposed amendments would reduce the quality of the development.

**Relevant History:**

<b>Application No.</b>	<b>Description</b>	<b>Status</b>	<b>Closed</b>
1/0626/2017/OUTM	Outline application with all matters reserved for up to 300 dwellings with associated infrastructure and public open space	PER	30.05.2018
1/0521/2021/FULM	Outline application with all matters reserved for up to 300 dwellings with associated infrastructure and public open space (Variation of conditions 1 (the reserved matters), 11 (highways) and 18 (contamination) of planning approval 1/0626/2017/OUTM)	PER	17.12.2021
1/0522/2021/DIS	Discharge of conditions 1, 2, 4, 5, 6, 7, 8, 9, 10 and 16 of planning approval 1/0521/2021/FULM	PER	07.01.2022
1/0523/2021/REMM	Reserved matters application for access, appearance, landscaping, layout & scale pursuant to planning approval 1/0521/2021/FULM	PER	17.12.2021
1/0561/2021/SEC106	Deed of variation of the Section 106 agreement pursuant to planning approval 1/0626/2017/OUTM	PER	02.02.2022
1/0558/2002	REMOVAL OF SOIL TO SPREAD, LEVEL & FILL ON THE FARM	PERDET	03.05.2002
1/1346/1975	RESIDENTIAL DEVELOPMENT LAND ADJ. BROADLANDS, ALVERDISCOTT ROAD, BIDEFORD	REF	02.02.1976
1/0011/2014/SCR	Residential Development	NPW	07.04.2015

## Site Description & Proposal

### Site Description

The application relates to a parcel of land located on the eastern edge of Bideford, to the eastern side of Manteo Way. The site extends along Alverdiscott Road to the east and adjoins the boundary with Kingsley House, which is occupied by the National Autistic Society and operates as a residential care facility for autistic adults. To the east of Kingsley House there is a significant drop in ground level, towards Cleave Wood. To the north the site is bounded by Mines Road, which is also at a significantly lower level than the site. The site was formerly in agricultural use, with mature hedgebanks of variable quality creating four distinct fields. Two vehicular accesses onto the public highway are located on the site's southern boundary, both onto Alverdiscott Road. The first of these is within close proximity to the roundabout, between Manteo Road and the western boundary of Kingsley House. The second is to the east of Kingsley House.

An existing industrial estate is located to the south of the site, on the opposite side of Alverdiscott Road and separated from the site by mature vegetation. The residential area of East-the-Water is located to the west and north west.

The site is currently being developed in accordance with outline planning permission 1/0521/2021/FULM and reserved matters approval 1/0523/2021/REMM.

### Proposed Development

The application seeks a non-material amendment to the reserved matters approval reference 1/0523/2021/REMM.

The following amendments are proposed:

- 1 Stone and quoins detailing around windows added to Modbury and Dartmouth dwellings
- 2 Plots 5 and 6 changes to hipped roof on Hartland dwelling
- 3 Rounded reveals and timber feature lintels added to Bickleigh, Modbury and Saunton
- 4 Silverton dwellings changed to formal type with rendered finish
- 5 Brickwork plots with brick mid-band, creasing tile cills and corbels at eaves added on Saunton, Bickleigh and Modbury dwellings
- 6 Rotation of plots 24-27 (adjacent to the LEAP)
- 7 Brickwork end gables added to rendered plots, returning on corner with quoin detail
- 8 Plots changed to formal orange brick with contrast brick banding and stone heads on Hartland, Bickton and two, three and four bed affordable dwellings
- 9 Render with ashlar banding added to ground floor plinth on Hartland, Hazel, open market flats, brickwork orange
- 10 Brick quoins added to front corner of Par dwelling
- 11 Ashburn dwelling: Changed to brickwork with mid band, main roof lowered, front bay wet verge with brick detailing. Chicket added to rear elevation. Study added to first floor.
- 12 Changed to brick with brick mid-band & feature render above front door in recess on affordable flats
- 13 Rendered with brick quoins to corners, door surround & creasing tile cills added to Bickleigh dwellings
- 14 Estate railings in lieu of low stone walls – eastern part of the site
- 15 Low stone walls omitted – central and eastern parts of the site

It is understood that the majority of the proposed amendments relate to modest alterations to the appearance of various dwelling types. Other changes, numbered 6, 14 and 15 above, are as a result of parts of the site being 'made ground', which it is understood has created issues with the foundations of dwellings and low stone walls.

### Consultee representations:

N/A

### Representations:

Number of neighbours consulted:	0	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

N/A

### Policy Context:

N/A

### Planning Considerations

The sole consideration in respect of the application is whether the proposed amendments to the extant reserved matters approval are considered to be non-material.

Section 96A(1) of the Town and Country Planning Act 1990 provides that:

*A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.*

Section 96A(3) clarifies that:

*The power conferred by subsection (1) includes power to make a change to a planning permission-*

- (a) to impose new conditions;*
- (b) to remove or alter existing conditions.*

The government's Planning Practice Guidance (PPG) establishes that:

*'There is no statutory definition of 'non-material'. This is because 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 under section 96A of the Town and Country Planning Act 1990.'*

It is considered that the slight rotation of plots 24-27 will not have a material impact on the development, taking account of the scale of the development and the modest number of plots affected by the amendment. In addition, the replacement of low stone walls with railings and omission of stone walls within small areas of the site is also considered to be non-material, given that railings have previously been approved on other parts of the site.

In addition, whilst a significant number of amendments are proposed, almost all relate to design detailing on various dwelling types. In the context of a substantial development of 225 dwellings the proposed amendments are considered to be non-material.

The proposed non material amendments do not affect the number of dwellings that would be delivered, the access onto Manteo Way, or the layout of the development aside from a small rotation of four plots. In addition, the scale of individual dwellings would not be materially affected and the surface water and

foul drainage arrangements would be unaffected by the proposal. Similarly, the biodiversity value of the site would not be affected by the proposed amendments.

It is noted that the proposed amendments do not affect any of the conditions attached to the extant permission, or the Section 106 agreement associated with the permission.

Taking account of the above, it is your officer's view that the proposal represents a non-material amendment to the extant permission. Accordingly, it is recommended that the application be approved, and the submitted drawings approved in place of those previously approved.

## Human rights

Consideration has been given to the Human Rights Act 1998.

## Recommendation

GRANT

## Plans Schedule

Reference	Received
20025 HT_4BAFF-01 B	28.03.2022
20025 HT_4BAFF-02 E	28.03.2022
20025 HT_4BAFF-03 E	28.03.2022
20025 HT_HAR-01 B	28.03.2022
20025 HT_HAR-02 B	28.03.2022
20025 HT_HAR-03 B	28.03.2022
20025 HT_HAR-04 B	28.03.2022
20025 HT_HAR-05 B	28.03.2022
20025 HT_HAR-06 B	28.03.2022
20025 HT_HAR-07 B	28.03.2022
20025 HT_HAR-08 C	28.03.2022
20025 HT_HAR-09 C	28.03.2022
20025 HT_HAR-10 B	28.03.2022
20025 HT_HAR-11 C	28.03.2022
20025 HT_HAR-12 B	28.03.2022
20025 HT_HAR-13	28.03.2022
20025 HT_HAR-14	28.03.2022
20025 HT_SIL-01 C	28.03.2022
20025 HT_SIL-02 D	28.03.2022
20025/EX.01 C	28.03.2022
20025/EX.02 D	28.03.2022
20025/EX.03 C	28.03.2022
20025/EX.04 C	28.03.2022
20025/NMA01 A	28.03.2022
20025/SP01 W	28.03.2022
20025/SP02 W	28.03.2022
SP3169 92 P 013 M	28.03.2022
SPP3169 P 90 001 L	28.03.2022
SPP3169 P 90 002 L	28.03.2022
SPP3169 P 90 005 M	28.03.2022

SPP3169 P 90 006 M	28.03.2022
SPP3169 P 90 014 M	28.03.2022
SPP3169 P 92 007 M	28.03.2022
SPP3169 P 92 008 M	28.03.2022
SPP3169 P 92 009 M	28.03.2022
SPP3169 P 92 010 M	28.03.2022
SPP3169 P 92 011 M	28.03.2022
SPP3169 P 92 012 M	28.03.2022
0604 TA5	14.02.2022
0601 TA5	14.02.2022
0602 TA5	14.02.2022
0603 TA5	14.02.2022
0605 TA5	14.02.2022
0606 TA5	14.02.2022
0720 TA4	14.02.2022
0721 TA4	14.02.2022
0722 TA4	14.02.2022
0723 TA4	14.02.2022
0724 TA4	14.02.2022
0725 TA4	14.02.2022
BSP.01 C	14.02.2022
BSP.02 C	14.02.2022
BTP.01 C	14.02.2022
BTP.02 C	14.02.2022
HT_2BAFF - 01B	14.02.2022
HT_2BAFF - 02D	14.02.2022
HT_2BAFF - 03D	14.02.2022
HT_2BAFF - 04D	14.02.2022
HT_3BAFF - 01C	14.02.2022
HT_3BAFF - 02D	14.02.2022
HT_3BAFF - 03D	14.02.2022
HT_3BAFF - 04D	14.02.2022
HT_APT_AFF-01D	14.02.2022
HT_APT_AFF-02D	14.02.2022
HT_APT_AFF-03D	14.02.2022
HT_APT_AFF-04D	14.02.2022
HT_APT_OM-01C	14.02.2022
HT_APT_OM-02C	14.02.2022
HT_APT_OM-03C	14.02.2022
HT_APT_OM-04C	14.02.2022
HT_APT_OM-05D	14.02.2022
HT_APT_OM-06D	14.02.2022
HT_APT_OM-07D	14.02.2022
HT_APT_OM-09D	14.02.2022
HT_ASH-01C	14.02.2022
HT_ASH-02C	14.02.2022
HT_BIC-01B	14.02.2022
HT_BIC-02B	14.02.2022
HT_BIC-03B	14.02.2022

HT_BIC-04B	14.02.2022
SS.02 B	14.02.2022
SS.03 C	14.02.2022
HT_BIT-01B	14.02.2022
HT_BIT-02B	14.02.2022
HT_DARV2-01C	14.02.2022
HT_GAR-03B	14.02.2022
HT_DARV2-01C	14.02.2022
HT_GAR-01B	14.02.2022
HT_GAR-02B	14.02.2022
HT_HAZ-01D	14.02.2022
HT_HAZ-02E	14.02.2022
HT_MOD-03B	14.02.2022
HT_MOD-04B	14.02.2022
HT_MOD-05	14.02.2022
HT_PAR-02C	14.02.2022
HT_PAR-03A	14.02.2022
HT_SAN-01B	14.02.2022
HT_SAN-02B	14.02.2022
HT_SAN-03B	14.02.2022
HT_SAN-04	14.02.2022

### Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.