

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	05/11/2018
Planning Development Manager authorisation:	SCE	06.11.18
Admin checks / despatch completed	[Signature]	6/11/18

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**Application:** 18/01688/NMA **Town / Parish:** St Osyth Parish Council  
**Applicant:** Mr Steven Legg  
**Address:** Woodview Clay Lane St Osyth

**Development:** Non material amendment to 18/00456/FUL - Substitution of plans 03B, 04D and 05 for CL/1 and CL/2 to change roof finish to profile sheeting and amend the layout and elevation of the car port.

**1. Town / Parish Council**

St Osyth Parish Council      No objections.

**2. Consultation Responses**

Not applicable

**3. Planning History**

10/00262/FUL	Replace existing dormer roof that currently has one flat roof structure with three separate dormers that will become minor incidents in the roof scene. The flat roof would be changed to three much smaller pitched roofs. No part of the dormer will be higher than the existing roof line and will consist of matching material to the existing roof.	Approved	17.05.2010
11/00620/FUL	Remove dilapidated/unsafe garage and barn and replace with garage car port and storage room.	Approved	
17/01511/FUL	Demolition of existing garage and erection of new garage, car port and store.	Approved	16.11.2017
18/00456/FUL	Demolition of existing garage and erection of new garage, car port and store.	Approved	16.05.2018
18/01688/NMA	Non material amendment of 18/00456/FUL - Substitution of plans 03B, 04D and 05 for CL/1 and CL/2 to change roof finish to profile sheeting.	Current	

#### **4. Relevant Policies / Government Guidance**

Not applicable

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

#### **5. Officer Appraisal (including Site Description and Proposal)**

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 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 involve:

-Change of roof materials

-Amendment to the layout and elevations of the carport and garage (handed)

Taking all the relevant issues into account it is considered that the alteration to planning permission 18/00456/FUL does not result in any material amendment to that permission or have any significant detrimental impact on visual or residential amenity or highway safety and thus complies with national and local planning policies.

**Conclusion**

In this instance it is considered the amendment being sought is minor and is therefore acceptable as a non-material amendment to the approved plans attached to 18/00456/FUL.

**6. Recommendation**

Approval Non Material Amendment

**7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No. CL/1 and CL/2  
Reason - For the avoidance of doubt and in the interests of proper planning.

**8. Informatives**

Not Applicable

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