

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	03/10/2019
Planning Development Manager authorisation:	TF	15/10/2019
Admin checks / despatch completed	CC	15/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	15/10/2019

**Application:** 19/01396/NMA **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Hester

**Address:** Shrublands Dedham Road Ardleigh

**Development:** Non-material amendment to application 19/00952/FUL - Change the material of the rear elevation of the pool house from brick to render.

**1. Town / Parish Council**

Not Applicable

**2. Consultation Responses**

Not applicable

**3. Planning History**

01/00665/FUL	Change of use of adjoining land from arable to garden	Approved	11.07.2001
02/00976/FUL	Two storey rear/side extension forming study utility room, bedroom and bathroom.	Approved	18.07.2002
97/00447/FUL	First floor en-suite bathroom extension over existing extension at side	Approved	02.06.1997
99/00492/FUL	Single storey rear extension to form dining room	Approved	24.05.1999
83/00278/FUL	Single storey extn to provide lounge	Approved	22.04.1983
07/00316/FUL	Domestic tennis court with 2.75m high fencing.	Current	20.04.2007
15/00451/FUL	Double side extension.	Approved	03.06.2015
19/00952/FUL	Proposed alterations to existing residential property incorporating erection of pool house and new entrance gates and boundary treatment.	Approved	20.08.2019
19/01396/NMA	Non-material amendment to application 19/00952/FUL - Change the material of the rear elevation of the pool house from	Current	

brick to render.

#### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 a new provision under 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**

The proposal comprises of the following amendment to planning approval 19/00952/FUL

- Change the material of the rear elevation of the pool house from brick to render to match the existing house.

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed change will be sited to rear and would therefore not be publicly visible preventing it from having a harmful impact to the appearance/ character of the dwelling or area.

There are no immediate residential neighbouring properties to the site therefore the proposed change would not have a harmful impact in terms of residential amenity.

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 19/00952/FUL.

**6. Recommendation**

Approval Non Material Amendment

**7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: 1173.L.005.

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

**8. Informatives**

Not applicable

