

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	08/09/2021
Planning Development Manager authorisation:	SCE	15.09.2021
Admin checks / despatch completed	ER	15/09/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15/09/2021

Application: 21/01475/NMA **Town / Parish:** St Osyth Parish Council

Applicant: Mr M Berry

Address: Linley Farm Greenland Grove St Osyth

Development: Non-material amendment of application 17/01170/FUL (allowed on appeal APP/P1560/W/17/3190864) sought to externally amend the development by; alterations to the windows; including a roof skylight to serve a faulted hallway; reducing windows to the rear elevation; removing the front porch (internalised) and; reducing the car port from three to two entrances.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Not applicable

3. Planning History

97/00643/FUL	Spare time car and machinery repairs	Approved	05.08.1997
98/00759/FUL	Spare time car and machinery repairs (Renewal of Planning Permission TEN/97/0643)	Approved	10.07.1998
05/00316/FUL	2 New Bungalows	Refused	18.04.2005
16/01484/FUL	Variation of condition 3 of approved planning permission 01/00486/FUL to allow the use of 6 holiday dwellings as permanent residential units.	Approved	24.02.2017
17/01170/FUL	New dwelling with cart lodge and associated parking.	Refused	08.09.2017
21/00598/DISCON	Discharge of Condition 3 (Materials External Surfaces) and 4 (Landscape Scheme) of Approved Planning Application 17/01770/FUL	Approved	11.05.2021

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4. Relevant Policies / Government Guidance

Not applicable

Status of the Local Plan

Planning law requires that decisions on planning 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 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

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 17/01170/FUL (allowed on appeal APP/P1560/W/17/3190864)

- alterations to the windows; including a roof skylight to serve a faulted hallway; reducing windows to the rear elevation; removing the front porch (internalised) and; reducing the car port from three to two entrances.

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 publicly visible however due to its size and scale would not result in a materially harmful impact to the appearance of the dwelling or area.

Due to its siting and nature the proposed amendment would not result in a loss of residential amenities to the neighbouring sites.

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 17/01170/FUL (allowed on appeal APP/P1560/W/17/3190864)

6. Recommendation

Approval Non Material Amendment

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: 11 Rev A.

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

8. Informatives

Not applicable