

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	13/10/2021
Planning Development Manager authorisation:	TF	13/10/2021
Admin checks / despatch completed	DB	14.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.10.2021

**Application:** 21/01649/NMA **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Costas Kyriacou

**Address:** Frinton Road Medical Centre 68 Frinton Road Holland On Sea

**Development:** Non-material amendment to planning permission 21/00076/FUL (dated 04/06/2021) to include reduction of roof apex to match existing roof line and replacing the secondary access door for a window.

### 1. Town / Parish Council

Non-parished area

### 2. Consultation Responses

n/a

### 3. Planning History

07/00754/FUL	Single storey rear extension to form treatment room and store. Alterations to front elevation to form accessible entrance.	Approved	07.08.2007
20/30145/PREAPP	Proposed change of use from Medical Centre to Residential Dwelling and creation of terrace to the first floor rear elevation.		29.09.2020
21/00076/FUL	Proposed change of use of 68 Frinton Road to a C3a Residential Use. The proposal seeks to demolish the 2007 extension and create a terrace to the first-floor rear elevation.	Approved	04.06.2021
21/01649/NMA	Non-material amendment to planning permission 21/00076/FUL (dated 04/06/2021) to include reduction of roof apex to match existing roof line and replacing the secondary access door for a window.	Current	

### 4. Relevant Policies / Government Guidance

n/a

## **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 26<sup>th</sup> 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 the 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 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then 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**

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 amendments to planning approval 21/00076/FUL

- Reduction of roof apex to match existing roof line
- Replacing the secondary access door for a window

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the building. The minor alterations will be to the front of the property however the reduction of the roof apex would not detract from the detail in this section of roof. In addition the replacement of the secondary access door for a window, which is set back under the overhang of the single storey pitched roof will match the existing fenestration and will not look out of place. The proposed amendments would not result in any additional impact or harm to

visual amenity and no third parties would be disadvantaged in any way as a result of the proposed alterations.

**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 21/00076/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: Drawing No. 2113-OHMA-XX-DR-AR-31.

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

**8. Informatives**

None

<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