

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	15 th Oct 2021
Planning Development Manager authorisation:	SCE	20.10.2021
Admin checks / despatch completed	DB	20.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.10.2021

Application: 21/01636/NMA **Town / Parish:** Great Bromley Parish Council

Applicant: Mr and Mrs Owens

Address: Wisteria House Back Lane East Great Bromley

Development: Non-material amendment of reserved matters approval 20/00056/DETAIL (dated 27/04/2020) to change finish to pitched roofs of the bungalow and attached garage. To change from red clay pantiles, as approved, to natural slate. And to change the colour to proposed vertical boarding from Grey Green to Grey.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Not applicable

3. Planning History

02/00409/FUL	Change of use from agricultural use to garden curtilage	Approved	15.05.2002
04/00084/FUL	New dwelling and garage.	Approved	10.03.2004
19/00674/OUT	Proposed erection of a bungalow with associated double garage, driveway and garden area.	Refused	12.07.2019
19/01353/OUT	Construction of a self-build/custom build bungalow with associated single garage, driveway and garden area.	Approved	23.10.2019
20/00056/DETAIL	Approval of reserved matters for outline application 19/01353/OUT for the construction of a self-build/custom build bungalow with associated single garage, driveway and garden area.	Approved	27.04.2020
21/01636/NMA	Non-material amendment of reserved matters approval 20/00056/DETAIL (dated 27/04/2020) to change finish to	Current	

pitched roofs of the bungalow and attached garage. To change from red clay pantiles, as approved, to natural slate. And to change the colour to proposed vertical boarding from Grey Green to Grey.

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 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 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st 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 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 change 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 proposed amendments seek a non-material amendment to planning permission 20/00056/DETAIL.

The submission proposes changing the roof tiles to the bungalow and attached garage from red clay pantiles to natural slate and the colour of the vertical boarding from Grey Green to Grey.

In this instance the changes proposed do not represent a significant change from the existing approval. There are a number variations in external construction materials in the locale; for this reason the changes will 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 alteration.

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 20/00056/DETAIL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 265 - 04 C, 265 - 05 C and 265 - 13 B; received 22nd September 2021.

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

8. Informatives

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO