

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AC	1 <sup>st</sup> Aug 2022
Planning Development Manager authorisation:	AN	1/8/22
Admin checks / despatch completed	SH	01/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.08.2022

**Application:** 22/01124/NMA

**Town / Parish:** Mistley Parish Council

**Applicant:** Mr and Mrs Arnold

**Address:** Park Manse 24 New Road Mistley

**Development:** Non-material amendment sought for application 22/00262/FULHH for minor revision to doorway position into boot room, garden store moved 250mm further from boundary with additional door added to side elevation.

### **1. Town / Parish Council**

No comments received

### **2. Consultation Responses**

No comments received

### **3. Planning History**

TPC/93/52	Eucalyptus	Current	23.12.1993
01/00789/TCA	Reduce height by 30% Eucalyptus tree at bottom left hand corner of garden; reduce height by 30% of tree of heaven to left hand side of garden and remove self-seeded oak saplings from front garden area	Approved	25.06.2001
93/00236/LBC	Proposed new vehicular accessway and car parking area. Precast concrete	Approved	21.04.1993
93/00237/FUL	Proposed new vehicular access way and car parking area	Approved	21.04.1993
10/00376/FUL	Two storey and single storey rear extensions and internal alterations to existing rear extension and raising and replacing of existing store roof.	Withdrawn	07.07.2010
10/00377/LBC	Two storey and single storey rear extensions and internal alterations to existing rear extension and	Withdrawn	07.07.2010

	raising and replacing of existing store roof.		
10/00488/TCA	1 No. Eucalyptus - crown thinning as done in 2001	Approved	24.05.2010
12/01167/TCA	1 No. Spruce - fell	Approved	13.11.2012
22/00262/FULHH	Proposed alterations and extension to house. Erection of garden building.	Approved	07.04.2022
22/00263/LBC	Proposed alterations and extension to house. Erection of garden building.	Approved	07.04.2022
22/01116/LBC	Proposed alterations and extension to house. Erection of garden building (Minor revisions to approved listed building consent 22/00263/LBC).	Current	
22/01124/NMA	Non-material amendment sought for application 22/00262/FULHH for minor revision to doorway position into boot room, garden store moved 250mm further from boundary with additional door added to side elevation.	Current	

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

Not applicable

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

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

#### **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?

#### Assessment

In this instance the proposed amendments seek a non-material amendment to planning application 22/00262/FULHH. The changes proposed are the doorway position into boot room, the garden store moved 250mm further from boundary and an additional door added to its side elevation.

In this instance the proposed changes do not represent a significant change to the existing planning permission. There would be no detrimental effect on the visual amenities of the area and the proposed amendments have no significant effect on the loss of privacy to the adjacent neighbouring dwellings. On this basis the application complies with the national and local planning policies.

#### Conclusion

The proposed amendments are considered to be of a minor nature and therefore acceptable as a non-material amendment to the approved plans attached to 22/00262/FULHH.

### **6. Recommendation**

Approval Non Material Amendment

### **7. Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2521 - 04 C, 2521 - 05 C and 2521 - 06 B; received 4th July 2022.

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

### **8. Informatives**

Not applicable.