

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	ML	28/02/2023
Planning Manager / Team Leader authorisation:	AN	02/03/23
Planning Technician final checks and despatch:	ER	02/03/2023

**Application:** 23/00288/NMA **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr G Newell

**Address:** Pavilion View Church Road Elmstead

**Development:** Non Material Amendment to application reference 18/01884/FUL to allow the change of proposed roof tile for Plots 17, 19, 20 & 21.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

18/01884/FUL	Erection of 41 no. residential dwellings, open space, allotments, parking, access and landscaping.	Approved	28.05.2020
19/01284/OUT	Residential development of up to 50 dwellings with associated infrastructure and landscaping.	Refused	01.12.2020
20/00966/DISCON	Discharge of conditions 2 (materials), 3 (hard/soft landscaping), 5 (screen walls/fences), 8 (estate roads/footways), 11 (CMS), 13 (biodiversity enhancement strategy), 14 (lighting design scheme), 15 (surface water drainage), 16 (offsite flooding), 17 (maintenance plan), 19 (on-site foul water drainage) and 20 (safety netting) of approved application 18/01884/FUL.	Approved	01.04.2022
20/01185/NMA	Non material amendment to approved application 18/01884/FUL to allow brick work replacing render and amendment to Juliet balcony on house type A, and minor change to hanging tile on house type B.	Approved	25.09.2020

22/00760/DISCON	Discharge of condition 2 (Materials) of planning permission 18/01884/FUL.	Approved	09.05.2022
23/00288/NMA	Non Material Amendment to application reference 18/01884/FUL to allow the change of proposed roof tile for Plots 17, 19, 20 & 21.	Current	

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

n/a

#### **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 (including Site Description and Proposal)**

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 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**

In this instance the proposed amendments relate to planning application 18/01884/FUL which granted planning permission for a 41 unit housing development.

The application proposes changes to the material schedule to alter the approved pantile roof to plots 17, 19, 20 and 21 to an alternative pantile (Sandtoft Shire Pantile - Rustic). The proposed changes to the material schedule have been forced by material availability and delivery times and it is acknowledged that the new tile is similar to that approved.

Taking all the relevant issues into account it is considered that the alterations to planning permission 18/01884/FUL do not result in any material amendment to that permission or have any

significant detrimental impact on visual or residential amenity or highway safety and thus complies with national and local planning policies.

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 18/01884/FUL.

**6. Recommendation**

Approval

**7. Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Ref: Materials Schedule 17/28/55 - Revision C - Dated 03/11/22

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

**8. Informatives**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<b>NO</b>