

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AL	30/03/2023
Planning Manager / Team Leader authorisation:	AN	30/03/23
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 23/00301/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Atlantic Spa Ltd

Address: Land to The rear of 185 Thorpe Road Kirby Cross

Development: Non Material Amendment to application reference 22/01508/DETAIL for change of facing brick from Saracen to Mardale Antique, change of roofing tile from Sandtoft 20/20 to Redland Grovebury/Rustic Red on plots 1, 3 and 5 and Redland concrete duo plain Rustic Brown to plots 2 and 4. Alterations to w/c window sizes and adjustments to utility door location.

1. Town / Parish Council

No comments required.

2. Consultation Responses

No consultations required.

3. Planning History

19/01054/OUT	Erection 5no. detached dwellings.	Approved	04.12.2019
22/01508/DETAIL	Reserved matters application for the erection of 5no. detached dwellings, considering details of appearance, landscaping, layout and scale, pursuant to outline planning consent 19/01054/OUT.	Approved	17.11.2022
23/00234/DISCON	Discharge of condition 5 (Construction method statement) of application 19/01054/OUT.	Approved	07.03.2023
23/00290/DISCON	Discharge of condition 6 (Soft Landscaping) of application 22/01508/DETAIL.	Approved	27.03.2023

4. Relevant Policies / Government Guidance

Section 96A of the Town and Country Planning Act.

5. Officer Appraisal (including Site Description and Proposal)

Overview and Main Considerations

Section 96A of the Town and Country Planning Act allows 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?

Site Description

The application site is land to the rear of 185 Thorpe Road, measuring 0.48 hectares. The site itself is largely laid to grass, with a number of mature trees, shrubs and other plants of a mixed age range. Number 185 Thorpe Road is a single storey detached residential property. The character of the surrounding area is relatively urbanised, with a number of residential properties to the east and west. Under appeal reference APP/P1560/W/16/3150967 planning permission has been granted for up to 110 dwellings adjacent to the east of the application site, which is currently under construction and nearing completion.

The access to the site falls within the Settlement Development Boundary for Kirby Cross within the Adopted Local Plan, but the majority of the site falls just outside of this designation. To the west of the site lies a Public Right of Way.

Description of Proposal

Re-development of the site for 5no. detached dwellings was approved under outline planning consent 19/01054/OUT and 22/01508/DETAIL.

This application seeks a non-material amendment to the approved plans Condition 1 of 22/01508/DETAIL to allow for the following changes:

- Plots 1, 3 and 5 - change of facing brick from Saracen to Mardale Antique and change of roofing tile from Sandtoft 20/20 'Flanders' to Redland Grovembury/Rustic Red;
- Plots 2 and 4 - change of roofing tile from Sandtoft 20/20 'Flanders' to Redland concrete duo plain Rustic Brown to plots 2 and 4; and,
- Alteration to w/c window sizes.
- Adjustment to utility door location.

The amendment sought is due to the difficulty encountered in obtaining the approved materials.

22/01508/DETAIL Condition 1 Approved Plans (including materials details) are as follows:

- DB22003/001 (Location Plan)
- DB22003/005 (Block Plan & Landscaping)
- DB22002/101 (Plot 1)
- DB22002/102 (Plot 2)
- DB22002/103 (Plot 3)
- DB22002/104 (Plot 4)
- DB22002/105 (Plot 5)
- 001A (Drainage Strategy General Arrangement)
- 002A (Infiltration Construction Details)
- 003A (Collect & Clean Construction Details)
- Transport Statement
- Preliminary Ecological Assessment
- Technical Note - Drainage Strategy

The proposed amendment will result in the following revised approved documents:

Approved under 22/01508/DETAIL:

- DB22003/001 (Location Plan)
- DB22003/005 (Block Plan & Landscaping)
- 001A (Drainage Strategy General Arrangement)
- 002A (Infiltration Construction Details)
- 003A (Collect & Clean Construction Details)
- Transport Statement
- Preliminary Ecological Assessment
- Technical Note - Drainage Strategy

Amendments proposed:

- DB22002/101A PLOT 1
- DB22002/102A PLOT 2
- DB22002/103A PLOT 3
- DB22002/104A PLOT 4
- DB22002/105A PLOT 5

Assessment

The degree of change proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed amendments would not result in any additional impact or harm to visual amenity. As such, no third parties would be disadvantaged in any way because of the proposed alterations.

Therefore, officers are satisfied that the proposed amendments fall under the considerations set out within Section 96A of the Town and Country Planning Act and are considered as a non-material amendment to the approved permission reference 22/01508/DETAIL.

Conclusion

In this instance the amendments being sought are minor and are therefore acceptable as a non-material amendment to the approved plans attached to 22/01508/DETAIL.

6. Recommendation

Approval Non-Material Amendment

7. Conditions

1 COMPLIANCE: APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Approved under 22/01508/DETAIL:

- DB22003/001 (Location Plan)
- DB22003/005 (Block Plan & Landscaping)
- 001A (Drainage Strategy General Arrangement)
- 002A (Infiltration Construction Details)
- 003A (Collect & Clean Construction Details)

- Transport Statement
- Preliminary Ecological Assessment
- Technical Note - Drainage Strategy

Approved under 23/00301/NMA:

- DB22002/101A PLOT 1
- DB22002/102A PLOT 2
- DB22002/103A PLOT 3
- DB22002/104A PLOT 4
- DB22002/105A PLOT 5

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

8. **Informatives**

Non-Material Amendment Informative

You are advised that this decision is for minor amendments only and should be read in conjunction with the decision notice for application 22/01508/DETAIL which will contain a number of conditions and informatives that still apply. Any original conditions that refer to previously approved plans should be read in conjunction with the corresponding updated plans and information forming part of this Non-Material Amendment application.

Superseded Plans and Documents

For the avoidance of doubt, the approved minor amendments set out above supersede the following originally approved plans:

- DB22002/101 (Plot 1)
- DB22002/102 (Plot 2)
- DB22002/103 (Plot 3)
- DB22002/104 (Plot 4)
- DB22002/105 (Plot 5)

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