

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	23/5/2023
Planning Manager / Team Leader authorisation:	AN	23/05/23
Planning Technician final checks and despatch:	CC	24.05.2023

Application: 23/00618/NMA **Town / Parish:** Weeley Parish Council

Applicant: Mr M Stace - North Essex Homes SPV 4 Limited (14389527)

Address: Heath Lodge Clacton Road Weeley Heath

Development: Non Material Amendment to application reference 21/00428/DETAIL for amended glazing and porch to plots 4, 5 and 6.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

06/00192/FUL	Kitchen and garage extensions (plus some renovation)	Approved	04.04.2006
19/01283/OUT	Outline planning application for 6 detached houses (considering access only).	Refused	26.11.2019
21/00428/DETAIL	Reserved matters for appearance, landscaping, layout and scale for the provision of 6 detached houses (pursuant to 19/01283/OUT allowed on appeal).	Approved	28.07.2022
23/00404/DISCON	Discharge of conditions 2 (Estate Roads/Surfacing) and 9 (Biodiversity Enhancement Strategy) of application 21/00428/DETAIL.	Current	
23/00618/NMA	Non Material Amendment to application reference 21/00428/DETAIL for amended glazing and porch to plots 4, 5 and 6.	Current	
23/00619/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 1 (Approved Plans) of 21/00428/DETAIL to amend house design for Plots 1 and 2.	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

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 21/00428/DETAIL

- Remove the gable glazing on the single storey rear projections of plots 4, 5 and 6
- Remove the corner glazing on the single storey rear projections of plots 4, 5 and 6 and replace with a single side window
- Ground floor front elevation bedroom 4 window to be reduced in size on plots 4, 5 and 6
- Ground floor rear elevation bedroom 3 window to be increased in size on plots 4, 5 and 6
- Minor alterations to the porch on plots 4, 5 and 6

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 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 21/00428/DETAIL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

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.

Drawing No. PA_09 Revision A
 Drawing No. PA_10 Revision A
 Drawing No. PA_11 Revision A
 Drawing No. PA_12 Revision A

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

8. Informatives

n/a

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