

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	01.06.2023
Planning Manager / Team Leader authorisation:	ML	01.06.2023
Planning Technician final checks and despatch:	CC	01.06.2023

Application: 23/00651/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Wayne Chapman - XS Homes

Address: Land adjacent Hollyoak Pork Lane Great Holland

Development: Non Material Amendment to application reference 22/00030/DETAIL for change to brick type from Millhouse Blend Brick to Vandersanden Flemish Antique.

1. Town / Parish Council

Frinton & Walton Town Council No Comments required

2. Consultation Responses

None required

3. Planning History

07/01222/FUL	Change of use of agricultural land to paddock with vehicular access, as amended and amplified by drawing no. 4372a-1 Rev A, Certificate of Ownership and agents letter received on 26 September 2007.	Refused	19.10.2007
16/00234/FUL	Proposed barn for hay and chickens.	Approved	30.06.2016
16/01400/OUT	Residential development of 0.2 ha of land to create up to three detached bungalows.	Approved	02.11.2016
17/00333/FUL	2 No. three bedroom detached bungalows with garages.	Approved	05.05.2017
17/00921/DISCON	Discharge of condition 07 (landscaping) of planning permission 17/00333/FUL.	Approved	26.07.2017
17/01270/OUT	Proposed erection of three bungalows.	Refused	25.09.2017
17/01700/OUT	Residential development of 0.3 ha of land to create up to five detached bungalows.	Refused	22.11.2017
17/01763/FUL	Erection of two barns.	Refused	13.03.2018

17/01772/OUT	Proposed erection of three bungalows.	Refused	11.12.2017
18/01571/OUT	Outline application for the residential development of 0.4 hectares of land for up to five bungalows.	Refused	15.11.2018
19/00724/OUT	Outline application with all matters reserved for the residential development of 0.4 hectares of land to create five bungalows.	Approved	22.10.2019
19/01077/OUT	Outline planning permission for five dwellings on site that overlaps the site of previous planning permission 17/01700/OUT (allowed at appeal) to provide an additional two detached bungalows.	Refused	26.11.2019
20/00337/OUT	Outline planning application (with all matters reserved) for the construction of seven dwellings on land that includes the site that benefits from extant planning permission for five dwellings (17/01700/OUT).	Refused	09.06.2020
20/01219/OUT	Proposed erection of three bungalows.	Refused	20.11.2020
21/01274/DETAIL	Reserved matters application for the erection of 5 bungalows, considering details of access, appearance, landscaping, layout and scale, pursuant to outline planning consent 19/00724/OUT.	Approved	08.12.2021
21/01537/OUT	Outline planning application with all matters reserved for the construction of three bungalows.	Refused	30.11.2021
22/00030/DETAIL	Application for approval of all Reserved Matters; access, appearance, landscaping, layout and scale pursuant to 20/00337/OUT (allowed on appeal APP/P1560/W/20/3256288) for the erection of 7 bungalows.	Approved	06.05.2022
22/01218/NMA	Non-material amendment sought to 22/00030/DETAIL to relocate and alter side and rear windows to avoid window clashes and potential overlooking Plots 6, 7, 8, 11, 12	Approved	22.08.2022
22/01228/NMA	Non-material amendment sought to 21/01274/DETAIL to relocate side bedroom window to rear elevation to avoid window clashes and	Approved	25.08.2022

potential overlooking. Orientation of plot 5 - Dwelling has been flipped to provide private parking to Plot 3, 4 and 5.

22/01700/FUL	Proposed construction of one 2-bed bungalow.	Approved	23.12.2022
23/00650/NMA	Non Material Amendment to application reference 21/01274/DETAIL for change to brick type from Millhouse Blend Brick to Vandersanden Flemish Antique.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

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

This is an application for a Non-Material Amendment (NMA). Section 96A of the Town and County Planning Act 1990 says in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted. The Planning Practice Guidance confirms there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.

The key test as to the acceptability of an NMA application is whether the change is material to any development plan policy. The changes proposed are minor and not material to any development plan policy. Then three further tests should be applied:

1. Is the proposed change significant in terms of its scale, 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 located on the eastern side of Pork Lane, with access located between two residential dwellings, Hollyoak and No. 1 The Paddocks. The site is bordered on the east, south and west by residential dwellings.

The site is located just outside of/adjacent to the settlement development boundary of Great Holland in the Adopted Local Plan. The site is not located within a conservation area and is located within Flood Zone 1 which has a low risk of flooding. A Public Right of Way (PROW) borders the site to the south and east. The Reserved Matters application, 22/00030/DETAIL for 7 dwellings was approved on 06.05.2022.

Proposal

The application comprises of an amendment to planning approval 22/00030/DETAIL which granted the reserved matters for 7 dwellings.

The non material amendment sought is to change the brick type for the external elevations to the bungalows which are a mix of brick and render finishes.

The alterations are shown on amended plan: 18.1467.211 Rev B

Appraisal

The proposed alterations to the face brick of the bungalows are considered acceptable as the new bricks are not considerably dissimilar to that previously approved and they are considered to retain the overall character and appearance of the new build bungalows and is considered to be a non-material change.

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 22/00030/DETAIL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

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

Drawing No: 18.1467.211 Rev B – Proposed storey heights and materials plan

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

8. Informatives

None

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