

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AN	06/11/23
Planning Manager / Team Leader authorisation:	ML	06/11/2023
Planning Technician final checks and despatch:	BB	06/11/2023

Application: 23/01457/NMA **Town / Parish:** Tendring Parish Council

Applicant: Pemberton, Copping and Holbern

Address: The Laurels Parsonage Lane Tendring

Development: Non Material Amendment to application 20/00822/FUL (allowed at appeal) to add solar panels to each dwelling; change Grey UPVC windows and doors to white UPVC; and change approved roof tiles.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

20/00822/FUL	Erection of 3 no. bungalows.	Refused	19.04.2021
22/01743/DISCON	Discharge of Conditions 3 (Full details of boundary treatments), 8 (Construction Management Plan), 9 (Residential Travel Information Pack), 10 (Programme of archaeological work in accordance with a written scheme of investigation) and 12 (Scheme for external lighting) of application 20/00822/FUL.	Approved	02.12.2022
23/00183/NMA	Non Material Amendment to application reference 20/00822/FUL for external materials changes from brickwork to render (Granted on Appeal ref: APP/P1560/W/21/3281960).	Approved	23.02.2023
23/01457/NMA	Non Material Amendment to application 20/00822/FUL (allowed at appeal) to add solar panels to each dwelling; change Grey UPVC windows and doors to white UPVC; and change approved roof tiles.	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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal (including Site Description and Proposal)

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 application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no' as in this case, 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?

Relevant history

20/00822/FUL was allowed at appeal for the erection of three bungalows. The concerns in the reason for refusal related to safe means of vehicular access and harm to residential amenity (noise, fumes and headlights). The currently proposed amendments do not relate to any detailed concerns raised at appeal.

23/00183/NMA approved Non-Material Amendment to application reference 20/00822/FUL for external materials changes from brickwork/brickwork and partial render to full render.

Assessment

The proposal is for all three plots to change their approved roof tile from clay pantiles to a concrete pantile (Wienerberger Shire) and to change the approved grey upvc fenestration to white upvc fenestration. Each plot also has solar panels added to the roof of its southern elevation (Plot One front, Plot Two rear, and Plot Three side).

In this instance the changes proposed do not represent a significant change from the existing approval. There would be a small degree of impact in respect of visual amenity, however given that the dwellings are well set back from the street scene along Parsonage Lane there would be no material harm to visual amenity. The introduction of solar panels is welcomed, and the use of renewables/water conservation is now a standard requirement for new dwellings. Furthermore, no specific concerns were raised previously within either the officer report or appeal decision regarding these matters and no representations received to this NMA application. The interests of any third party or body who participated in, or were informed of, the original decision would not therefore be disadvantaged in any way.

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 appeal decision APP/P1560/W/21/3281960 and amended by 23/00183/NMA.

6. Recommendation

Approval Non Material Amendment

7. Conditions

1 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.

Drawing numbers 1810/19/01 I, 1810/19/02 C, 1810/19/03 C, and 1810/19/04 C.
Product Technical Information Sheet: Wienerberger Shire Pantile.

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

NOTES 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.

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**

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 20/00822/FUL (allowed at appeal) 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.

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