

Leeder
C/O Ms Jennifer Carroll
Whirledge And Nott
The Black Barn
Lubards Farm
Hullbridge Road
Rayleigh
SS6 9QG

Ask for: Mr Arwel Evans
Direct Dial: 01702 318037
Email: planning.applications@rochford.gov.uk
My Ref: 24/00398/NMA
Your Ref:

29th July 2024

Dear Madam

Application No: **24/00398/NMA**
Applicant: **Leeder**
Site Location: **Barn At East Hall East Hall Road Paglesham Essex**
Proposal: **Non-material amendment following approval of application
22/00160/FUL**

I refer to your application seeking to amend a detail approved by the previous full planning permission reference 22/00160/FUL which was in relation to a barn conversion and a change of use from an agricultural building into a dwelling house. The submitted application form now indicates that it is proposed now to remove the access shown on the southern elevation as was shown by the previously approved elevation drawing reference(s) : (0068_PR00_i6(Proposed Floor Plan), 0068_EX00_i2(Existing & Proposed Block Plan), 0068_PR02_i6 (Proposed Elevations): which are now to be replaced with drawing reference(s): Existing and Proposed Site Plan (ref. 0068_EX00_i3); Proposed elevations (ref. 0068_PR02_i7); and Proposed floor plans (ref. 0068_PR00_i7).

On comparing the amendments directly in relation to the relevant and reciprocal plans associated with the original planning permission it is not considered that the amendments will have any significant or marked bearing on the development as approved and amount to Non Material Amendment under Section 96 (A) of the 'Act'.

This NMA application is approved subject to the development being undertaken on accordance therefore with revised plans referenced:

Existing and Proposed Site Plan (ref. 0068_EX00_i3);
Proposed elevations (ref. 0068_PR02_i7);
and Proposed floor plans (ref. 0068_PR00_i7).

The development however in all other respects must be undertaken in strict accordance with all other conditions attached to the original planning permission which shall (other than where formally amended) otherwise remain operative and unfettered.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'AGE', written over a horizontal line.

Arwel Gwilliam Evans (B.A Hons Env Planning)
Senior Planning Officer: Development Management (North)

NOTICE OF DECISION

Town and Country Planning Act 1990

Date:12.07.2023

Application No : 22/00160/FUL

Parish: Paglesham Parish Council

Proposal: Conversion of existing timber barn to a single residential dwelling and demolition of adjoining barn and the construction of a new private access.

Site Location: Barn At East Hall East Hall Road Paglesham

Applicant: Mrs C Leeder

The Council as District Planning Authority hereby give notice of their decision to **GRANT PLANNING PERMISSION** for the above proposal as described in drawing(s) 0068_PR00_i6 (Proposed Floor Plan), 0068_EX00_i2 (Existing & Proposed Block Plan), 0068_PR02_i6 (Proposed Elevations) subject to the conditions set out below

Your attention is drawn to the notes enclosed

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be undertaken in strict accordance with the plans referenced: 0068_PR00_i6 (Proposed Floor Plan), 0068_EX00_i2 (Existing & Proposed Block Plan), 0068_PR02_i6 (Proposed Elevations).

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application

3. Prior to their first use details of the type, colour, construction and finish of all external materials (including roofing materials, windows, doors, fascia's, barges and soffits to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of appearance and to safeguard the visual amenity of the area in compliance with policy DM 1 of Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014

4. The development shall be undertaken in accordance with the approved details of external materials.

REASON: To ensure a satisfactory standard of appearance and to safeguard the visual amenity of the area in compliance with policy DM 1 of Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

5. Prior to their first use details including section drawings of all windows and doors to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of appearance and to safeguard the visual amenity of the area in compliance with policy DM 1 of Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

6. The development shall be undertaken in accordance with the approved details pursuant to condition 5.

REASON: To ensure a satisfactory standard of appearance and to safeguard the visual amenity of the area in compliance with policy DM 1 of Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

7. The development shall incorporate Black coated metal rainwater goods which shall be maintained as such or any subsequent replacements over the lifetime of the use. The rooflights shall be of low-profile conservation type, the specification of which are to be submitted to and approved in writing by the local planning authority prior to their first use.

REASON: To ensure a satisfactory standard of appearance and to safeguard the visual amenity of the area in compliance with policy DM 1 of Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, of the Town and Country Planning (General Permitted development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions, porches or alterations of any kind may be added or made to the dwelling hereby permitted, or ancillary buildings erected anywhere within the curtilage of the property, without the prior permission in writing of the Local Planning Authority.

REASON: To safeguard the integrity of the site in the interest of the historic and architectural significance of the site in compliance with the provisions of the National Planning Policy Framework and the Listed Buildings and Conservation Areas Act 1990.

9. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator..

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

10. The development shall be undertaken in accordance in its entirety with the recommendations as set out by the submitted Bat and Owl survey (T4 Ecology Ltd) dated March 2022 which sets out the recommendations of mitigation which should be implemented in full prior to the undertaking of any works which would compromise both Barn Owl and Bat species.

REASON: To safeguard protected species in the course of development and to provide ecological enhancements in compliance with the provisions of the National Planning Policy Framework and Rochford District Council's Local Development Framework Development Management Plan policy DM27– Species and Habitat Protection.

11. Prior to undertaking any Bat and Owl mitigation works, precise details shall be provided setting out the method and location of all replacement roosts to be provided. This information shall take the form of written details set out by a competent Ecologist for the written approval of the Local Planning Authority. The works shall be undertaken in accordance with the agreed details where the mitigation is to be provided.

REASON: To safeguard protected species in the course of development and to provide ecological enhancements in compliance with the provisions of the National Planning Policy Framework and Rochford District Council's Local Development Framework Development Management Plan policy DM27– Species and Habitat Protection.

12. Notwithstanding the details of the approved Block Plan, prior to the undertaking of any landscaping planting as highlighted by the plan further details shall have been submitted to and agreed in writing by the Local Planning Authority. These details should include a schedule of species, size, density and spacing of all trees, shrubs, and hedgerows to be planted together with a maintenance schedule for the first 10 years from the date of planting.

REASON: To ensure that adequate control is exercised over the appearance of the development in the interest of the visual amenity of the Green Belt in compliance with policies DM1 of the Council's Local Development Framework Development Management Plan (adopted 16th December 2014).

13. All planting works pursuant to condition 12 shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement or occupation of the development. Any tree, shrub, or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To ensure certainty over the timing of such works and to ensure that adequate control is exercised over the appearance of the development in the interest of the visual amenity of the Green Belt in compliance with policies DM1 of the Council's Local Development Framework Development Management Plan (adopted 16th December 2014).

14. Prior to the first occupation of the development approved 1 Electric Vehicle (EV) charging unit 3-7kW shall be installed and fully operational. This provision or an equivalent replacement / or as may be upgraded in future shall be retained in perpetuity over the lifetime of the use.

REASON: To future proof the development and to ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of the Core Strategy, Chapters 9 and 12 of the National Planning Policy Framework (July 2021) and the provisions of the Essex Design Guide.

15. Prior to first installation, details of an external lighting scheme to be incorporated into the development shall have been submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as may be approved.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity and dark skies within the Metropolitan Green Belt and in the interest of Bat and Barn Owl in compliance with policy DM1 and DM27 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014) and the National Planning Policy Framework (2021). (Green Belt and Species Protection)

16. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: In the interest of safeguarding archaeological artefacts in compliance with Chapter 16 of the National Planning Policy Framework.

17. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the written scheme of investigation detailed at condition 16. The work will comprise archaeological monitoring of all the groundworks associated with this development. A professional archaeological contracting team should undertake any archaeological work.

REASON: In the interest of safeguarding archaeological artefacts in compliance with Chapter 16 of the National Planning Policy Framework.

INFORMATVES (Archaeology)

An archaeological brief outlining the methods of investigation can be issued from this office (on request) and there would be a cost implication for the developer. If you have any questions, please do not hesitate to contact me.

INFORMATVES

1. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site. The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application.
2. Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com . Alternatively, you can register on www.beforeyoudig.cadentgas.com

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework (July 2021)

Planning Practice Guidance

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011) Policies: CP1, CP3, GB1, ENV 1, ENV 2, ENV 3,

Rochford District Council Local Development Framework Development Management Plan (Adopted December 2014) Policies DM1, DM4, DM5, DM7, DM13, DM27, DM29, DM30 Rochford District Council Local Development Framework

Supplementary Planning Document 2 Housing Design (January 2007)

National Design Guide: Planning Practice guidance for beautiful, enduring, and successful places (Ministry of Housing Communities and Local Government)

of the Rochford District Council Adopted Replacement Local Plan



Phil Drane BA (Hons) MRTPI
Director of Place

Council Offices, South Street, Rochford, Essex SS4 1BW
Telephone: 01702 546366
Website: <http://www.rochford.gov.uk>

DELEGATED REPORT

CASE OFFICER	TEAM LEADER	Comino CHECKED	Uniform CHECKED		Uniform Expiry Dates CHECKED	
A.G.E	A.G.E	29.07.2024	Neighbour letters date sent	N/A	Neighbour letter Expiry date	N/A
			Consultation letters date sent	N/A	Consultation letters Expiry date	N/A
			Site Notice date displayed	N/A	Site Notice Expiry date	N/A

Reference: 24/00398/NMA	Site: Barn At East Hall East Hall Road Paglesham
WARD: Roche North And Rural	Proposal: Non-material amendment following approval of application 22/00160/FUL

Plan Number(s):			
Reference/Name (including any revision Reference)	Date as stated on plan	Revised? Y/N	Re-Consultation Y/N
Existing and Proposed Site Plan (ref. 0068_EX00_i3); Proposed elevations (ref. 0068_PR02_i7); and Proposed floor plans (ref. 0068_PR00_i7).	July 2019	N/A	

The application is also accompanied by:	
Applicant: Leeder	Validated: 30th May 2024. Date of Expiry: 27 June 2024 EOT Agreed No DATE
Case Officer:: Mr Arwel Evans	

SITE VISIT UNDERTAKEN? No
SITE NOTICE DISPLAYED? N/A

Allocations: MGB, (but this consideration is not relevant to the consideration of this application).

1.0 RELEVANT HISTORY

20/00160/FUL: Conversion of existing timber barn to a single residential dwelling and demolition of adjoining barn and the construction of a new private access: Granted Planning Permission 12.07.2023

2.0 SUMMARY OF CONSULTATION RESPONSES

2.1 Paglesham Parish Council – N/A as no consultation required.

3.0 SUMMARY OF NEIGHBOUR COMMENTS

3.1 None received.

4.0 POLICY CONTEXT

Section 96A of the Town and Country Planning Act

5.0 ASSESSMENT

5.1 This application seeks to amend a detail approved by the previous full planning permission reference 22/00160/FUL which was in relation to a barn conversion and a change of use from an agricultural building into a dwelling house. The submitted application form now indicates that it is proposed now to remove the access shown on the southern elevation as was shown by the previously approved elevation drawing reference(s) : (0068_PR00_i6(Proposed Floor Plan), 0068_EX00_i2(Existing & Proposed Block Plan), 0068_PR02_i6 (Proposed Elevations): which are now to be replaced with drawing reference(s): Existing and Proposed Site Plan (ref. 0068_EX00_i3); Proposed elevations (ref. 0068_PR02_i7); and Proposed floor plans (ref. 0068_PR00_i7). It is stated that access can be gained from the rear of the new dwelling and is therefore no longer required from the front (southern elevation)

5.2 The covering letter submitted in support of this NMA application stated: 'We are seeking a non-material amendment to planning permission 22/00160/FUL dated 12 July 2023 for the conversion of existing timber barn to a single residential dwelling and demolition of adjoining barn and the construction of a new private access. The amendment simply seeks to change the approved front access to a fixed pane window. Access to the proposed dwelling will be taken from the existing approved opening via the north elevation (rear of the proposed dwelling). The access on the northern elevation is already approved under permission 22/00160/FUL as such, this alteration does not require an amendment to the permission'. It is stated that as a result of the removal of the access on the southern elevation it is also proposed to amend the approved landscaping to the front of the proposed dwelling. The approved path and steps to the approved access will be removed, as per drawing ref. 0068_PR00i7.

5.3 Section 96A of the Town and Country Planning Act confers powers to Local Authorities to allow for non-material amendments to planning permissions. A local planning authority in England may make a change to any planning permission relating

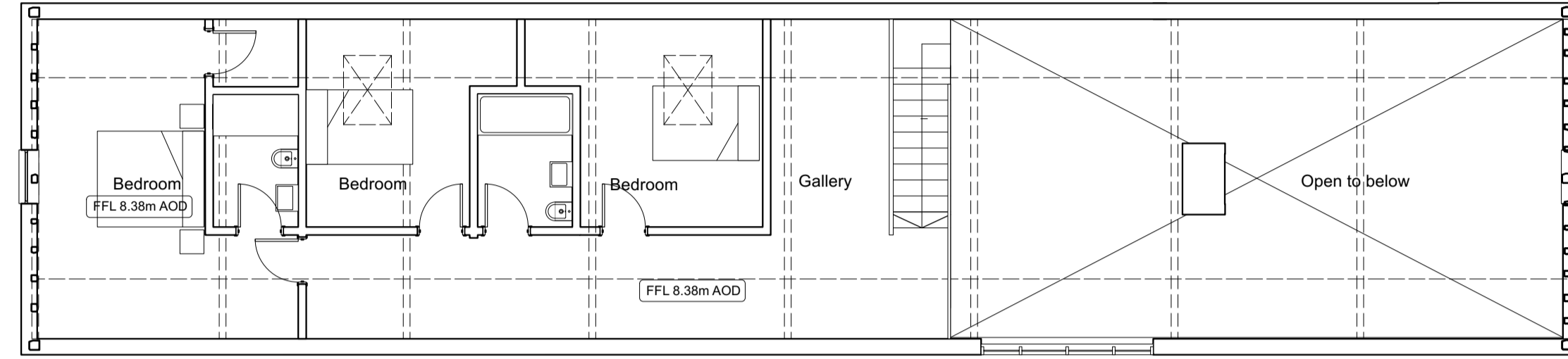
to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. The power conferred by subsection (1) includes power to impose new conditions and or to remove or alter existing conditions.

- 5.4 This application for approval of non-material amendments is not a planning application in its own right. The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. As a matter of procedure, the normal provisions relating to notification do not apply, however it is noted that the Local Planning Authority must consider any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act does not apply.
- 5.5 There is no legal definition of what changes may be treated as being non material. Nor has the Government issued any guidance. However, this change to procedure was partly introduced in response to the Killian Pretty review with the objective of taking steps to allow a streamlined and faster approach to inconsequential changes to development proposals. Each non-material amendment request will be considered on its merits having regard to all relevant circumstances. The following considerations allow for a structure to the consideration of those merits.
1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval? If not, then 3 further tests need to be applied).
 2. Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
 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? (This is a particularly significant issue as there is no provision for consultation or neighbour notification within the nonmaterial amendment procedure).
 4. Would the amendment be contrary to any planning policy of the Council?

On comparing the amendments directly in relation to the relevant and reciprocal plans associated with the original planning permission it is not considered that the amendments will have any significant or marked bearing on the development as approved and amount to Non Material Amendment under Section 96 (A) of the 'Act'.

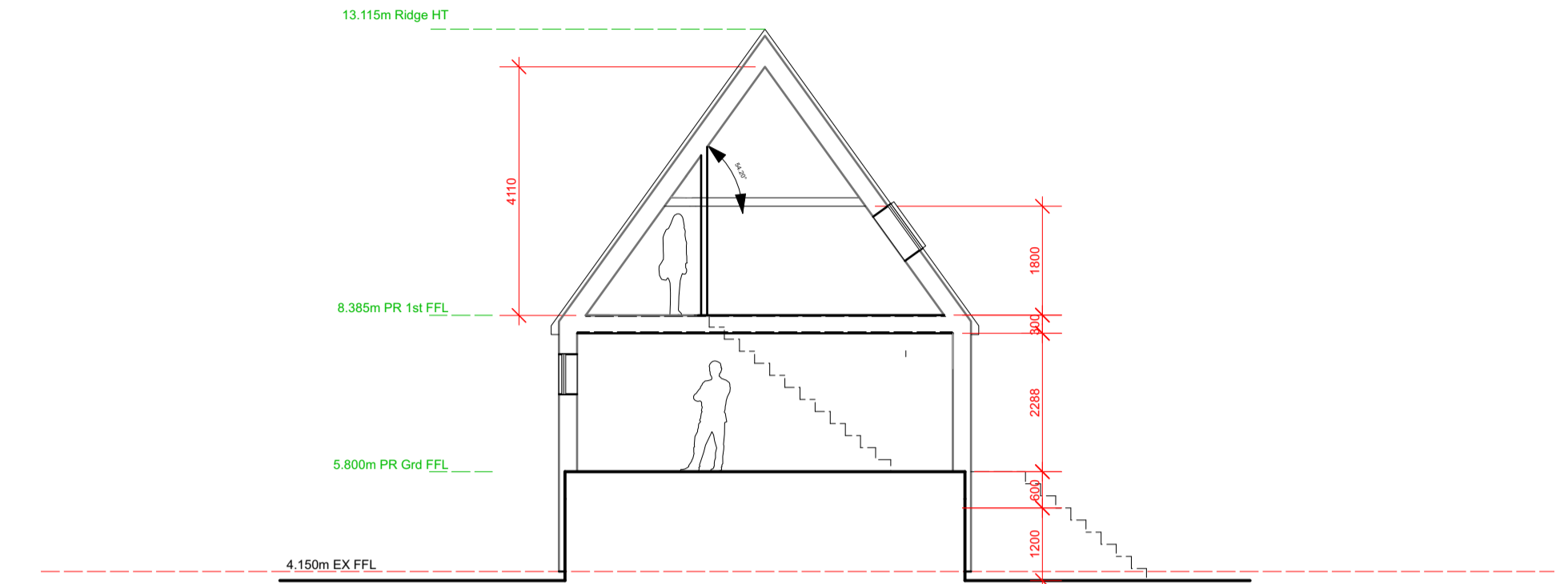
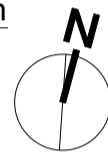
Conclusion

Approve the NMA referring to the new plans as previously set out at condition 2. The development however in all other respects must be undertaken in strict accordance with all other outstanding conditions – whether implementation conditions or conditions requiring compliance. The original and substantive consent (other than where it has been formally amended) otherwise remain operative and unfettered including all those other conditions attached to the original planning permission.

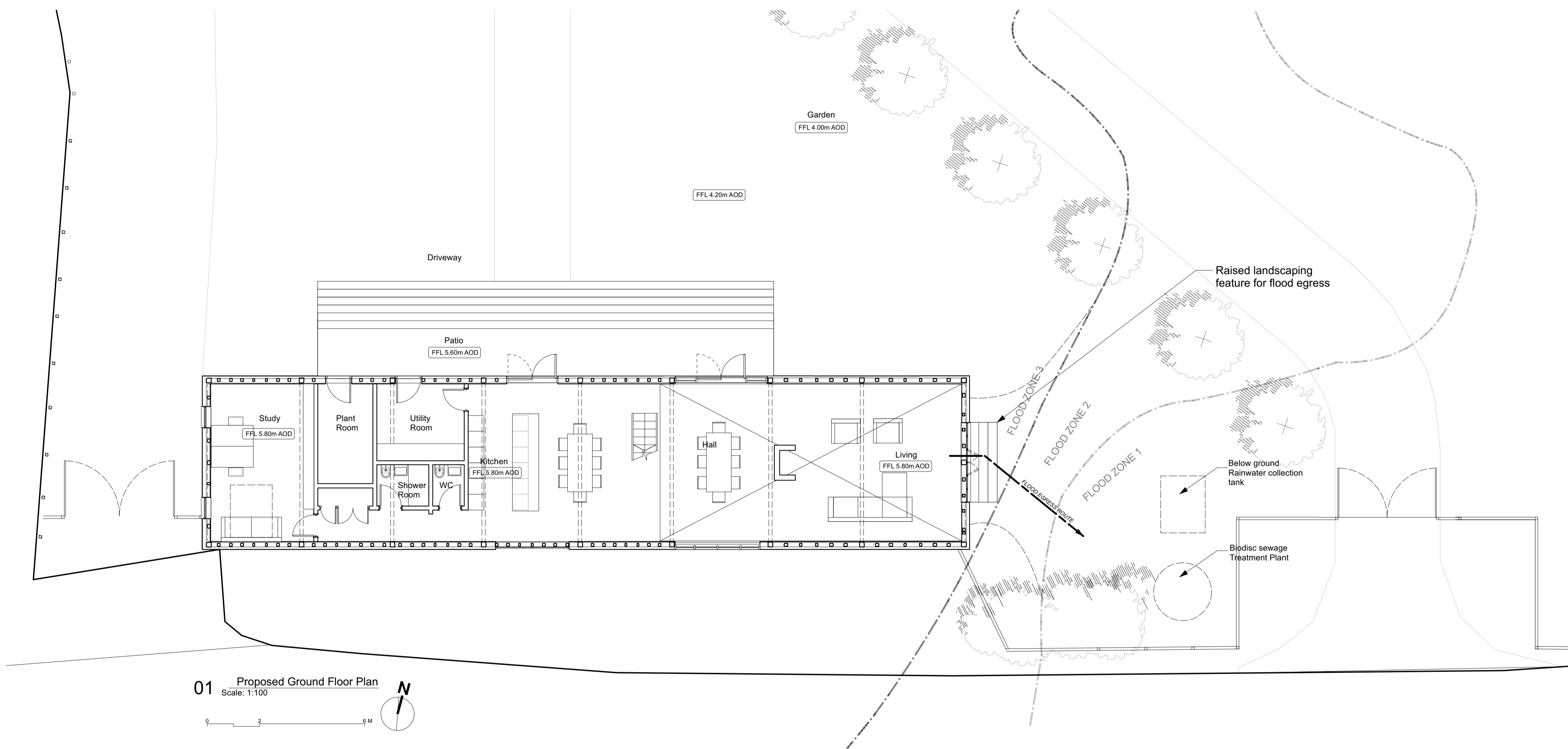


02 Proposed Ground Floor Plan
Scale: 1:100

0 2 4 M

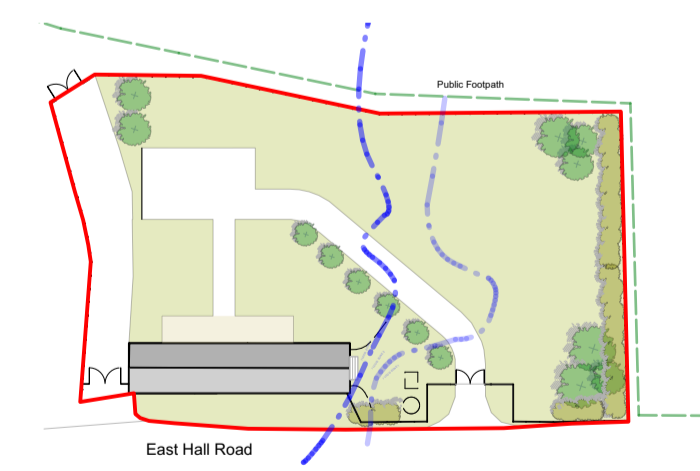


Proposed Section
Scale: 1:100 03



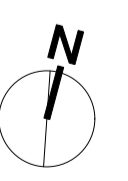
01 Proposed Ground Floor Plan
Scale: 1:100

0 2 4 M



1 Key Plan
Scale: 1:1000

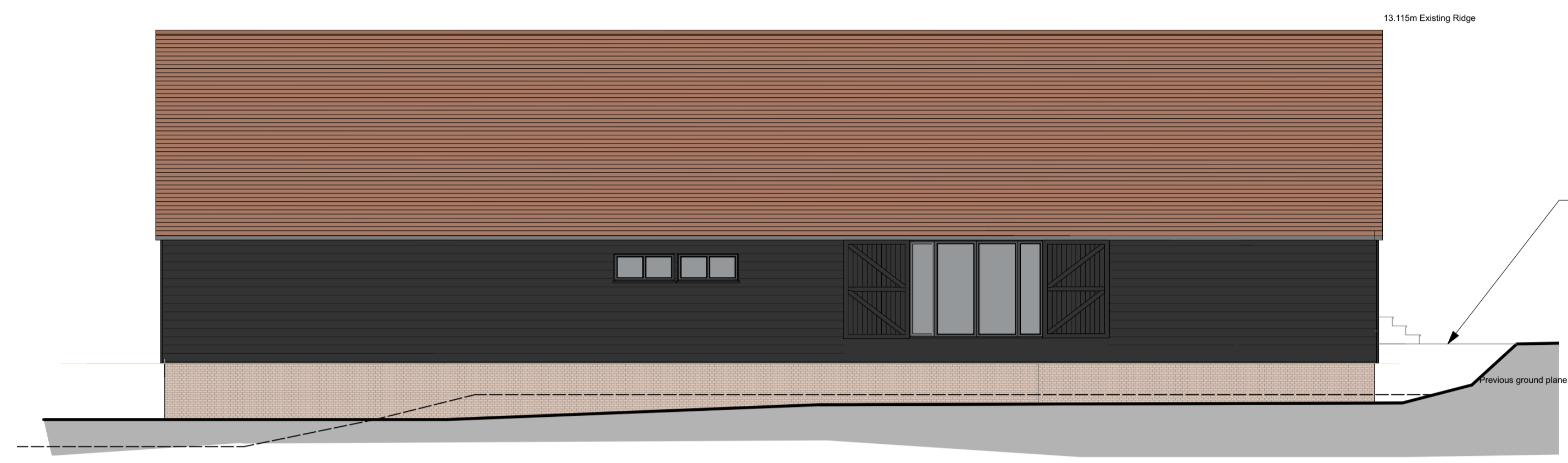
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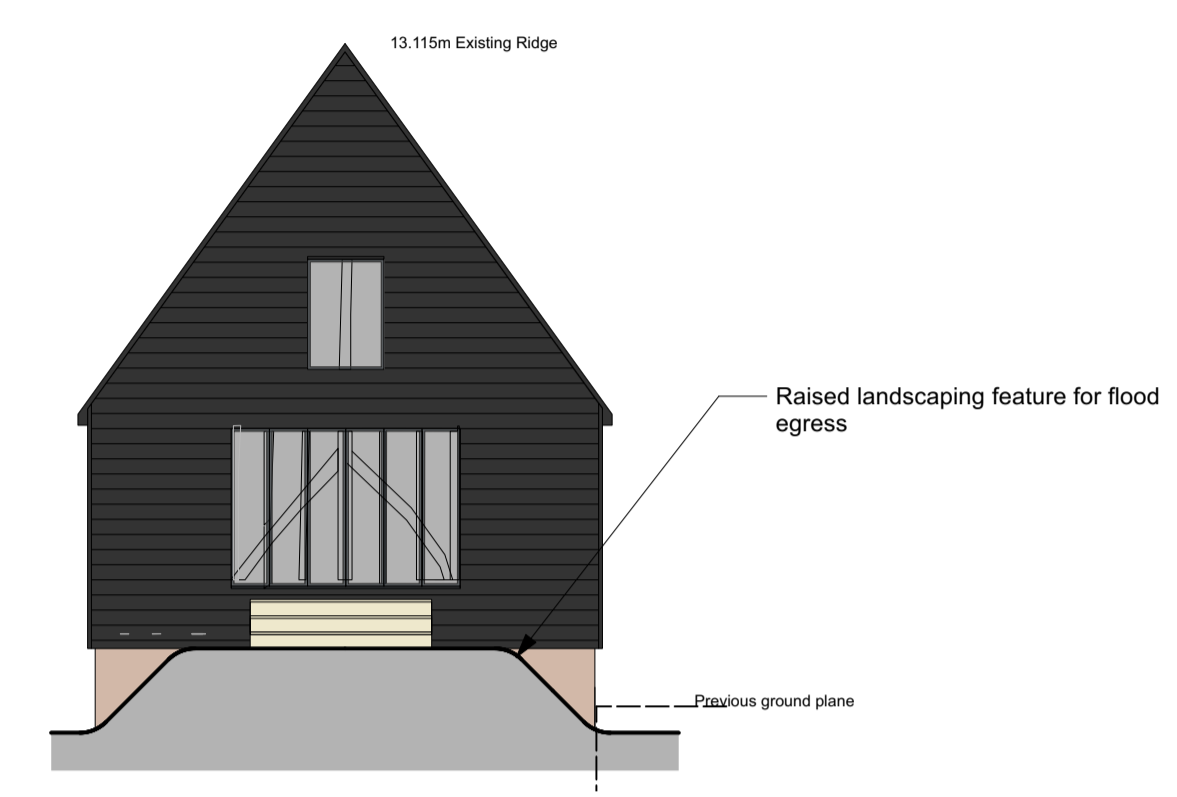
Revisions	Date
11 Shown sewage treatment plant and rainwater collection tank.	28.07.21
12 Revised sewage treatment plant and rainwater collection tank location.	02.08.21
13 Revised layouts raise floor level and removed rear extension.	13.10.21
14 Reduced glazing. Removed 4no. small windows to front elevation and reduced glazing to rear elevation.	04.01.22
15 Raised Grd Floor level and shown flood egress route.	29.06.22
16 Amended landscaping for flood egress route.	03.10.22
17 Amended entrance and path.	30.05.24

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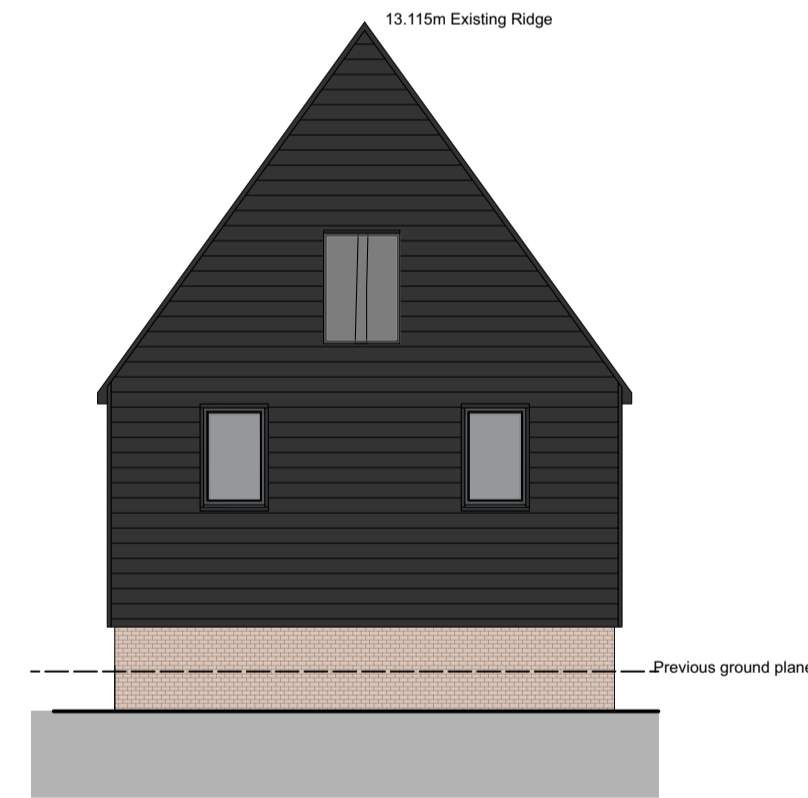
Client Catherine Leeder	Evans Kivotos Architects t: 07775 907709 simon@ekarchitects.co.uk		
Project East Hall Barns, Pagglesham, Essex			
Drawing Title Proposed Floor Plans	Status Information	Drawn SK	Checked RE
Scale 1:100 @ A1, 1:200 @ A3	Date July 2019	Drwg. No. & Revision 0068_PR00_i7	



01 South Elevation
Scale: 1:100



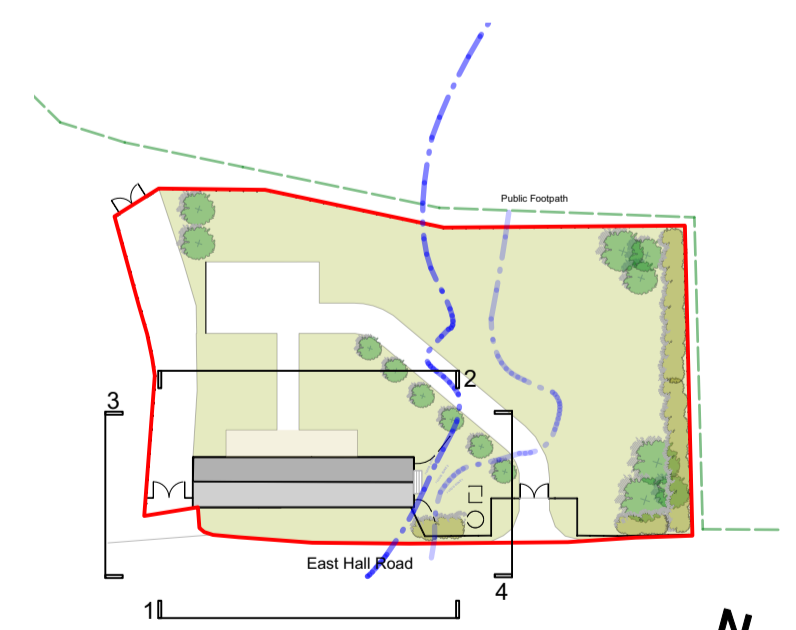
04 East Elevation
Scale: 1:100



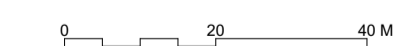
03 West Elevation
Scale: 1:100



02 North Elevation
Scale: 1:100



05 Key Plan
Scale: 1:1000

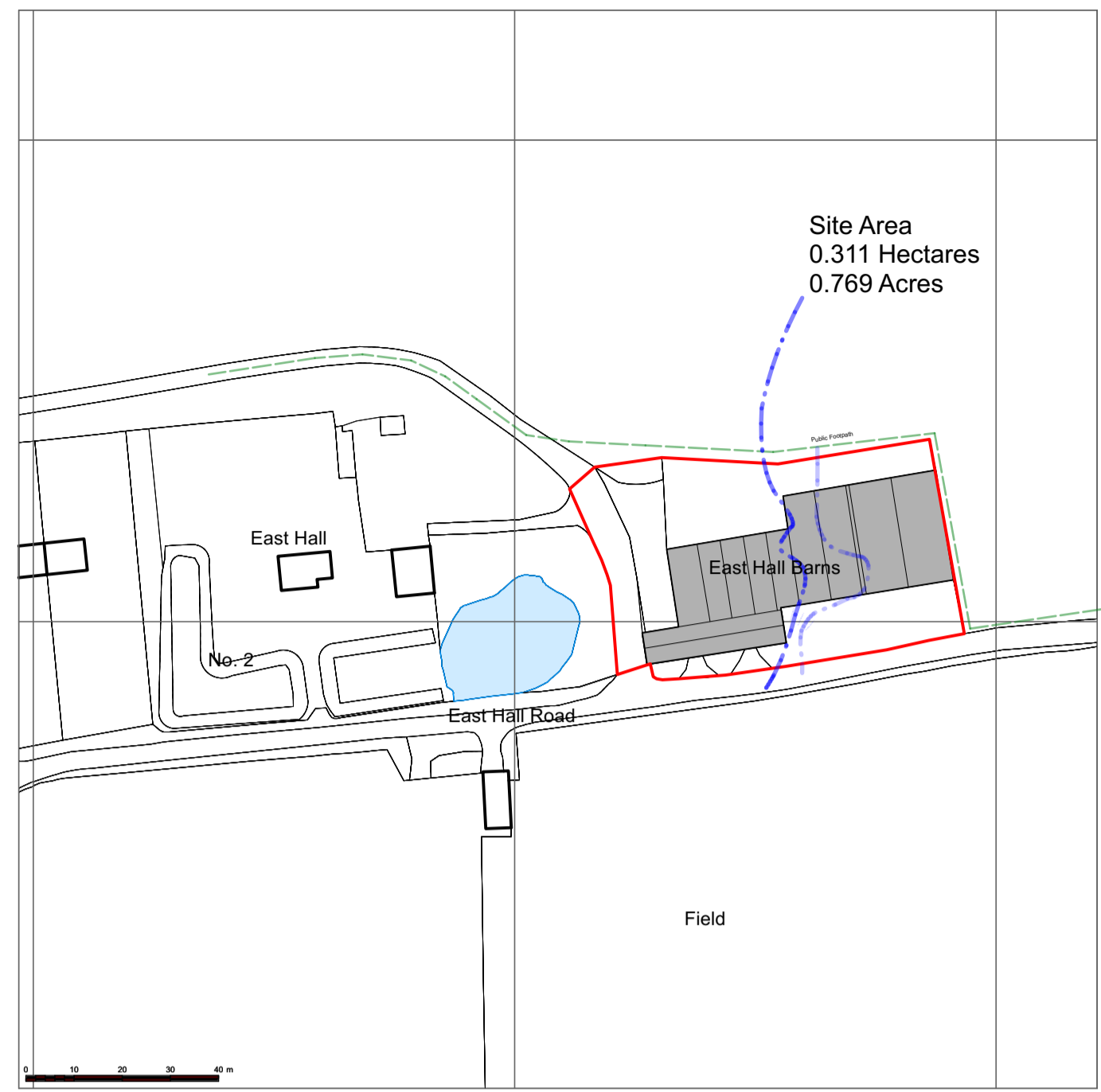


Revisions

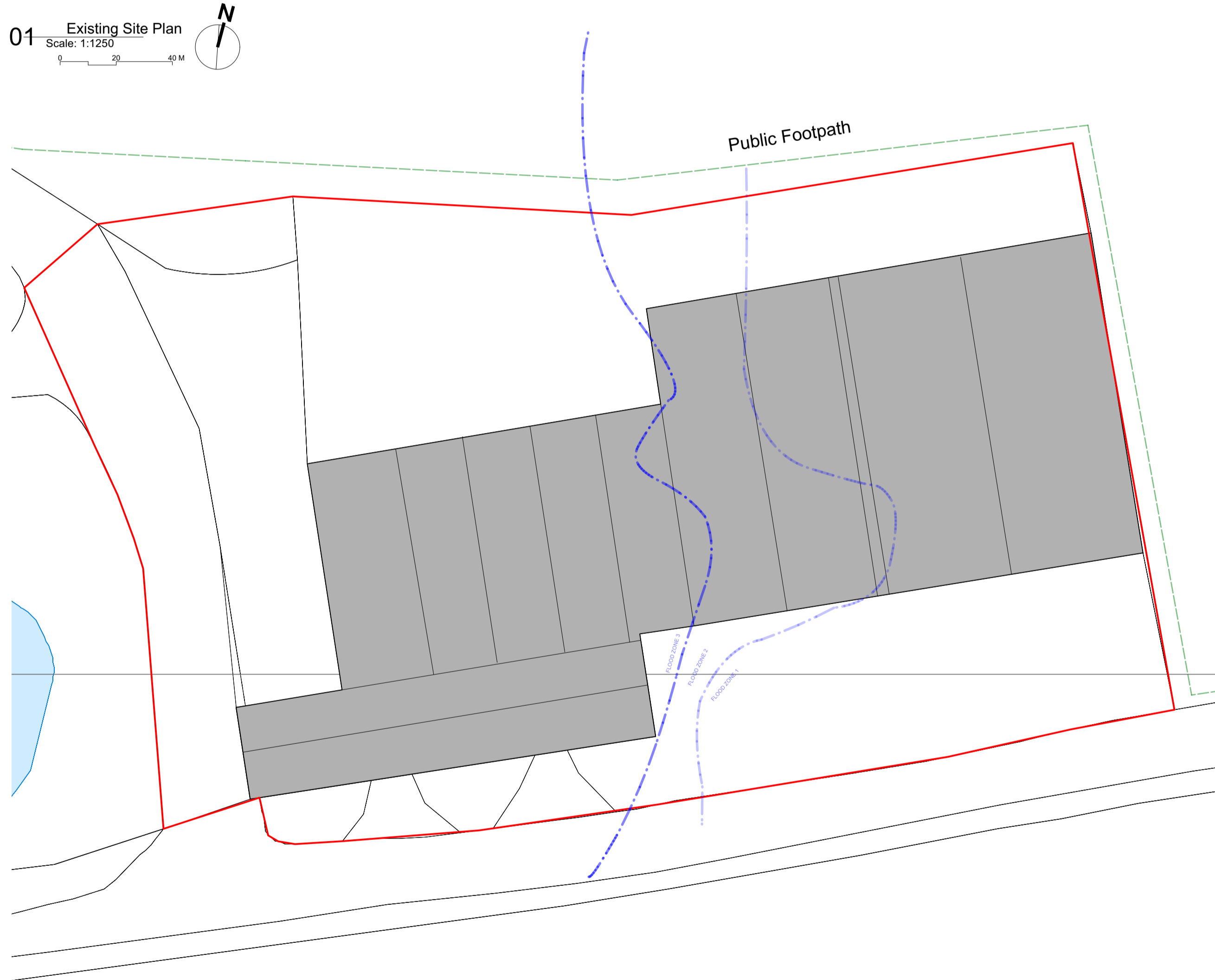
1	Revised layouts, raised floor level and removed rear extension. Reduced glazing to East elevation.	13.10.21
2	Revised Elevations, removed 4no. small windows to front elevation. Reduced windows to rear elevation.	04.01.22
3	Added ridge height	16.03.22
4	Added egress and raised decking for flood escape route	29.06.22
5	Amended landscaping for flood escape route	03.10.22
6	Removed garage	03.10.22
7	Amended entrance and path.	30.05.24

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Client Catherine Leeder	Project East Hall Barns, Pagglesham, Essex	Evans Kivotos Architects t: 07775 907709 simon@ekarchitects.co.uk		
Drawing Title Proposed Elevations		Status Information	Drawn SK	
Scale 1:100 @ A1, 1:200 @ A3		Date July 2019		
Drwg. No. & Revision 0068_PR02_i7				



01 Existing Site Plan
Scale: 1:1250




02 Existing Block Plan
Scale: 1:250



03 Proposed Block Plan
Scale: 1:250

Revisions		
11 Revised entrance and driveway.	02.08.21	
12 Removed garage	03.10.22	
13 Amended entrance and path	30.05.24	

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Client Catherine Leeder		Evans Kivotos Architects t: 07775 907709 simon@ekarchitects.co.uk 
Project East Hall Barns, Pagglesham, Essex		
Drawing Title Existing Site Plan	Status Information	Drawn SK
Scale 1:1250 @ A1, 1:100 @ A3	Checked RE	Date July 2019
Drwg. No. & Revision 0068_EX00_i3		