

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	09/07/2018
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AN	17/7/18

AN

Application: 18/01013/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Mark Pickett

Address: Chartfield Drive Kirby Le Soken Essex

Development: Amendments of approved application 17/00758/FUL - Addition of obscure glazed first floor window to side elevation on Plots 3, 4 and 5.

1. Town / Parish Council

Frinton & Walton Town Council No comments received

2. Consultation Responses

n/a

3. Planning History

16/01844/OUT	Erection of single dwelling.	Approved	22.12.2016
17/00334/FUL	Construction of single dwelling house, provision of access and change of use of land to domestic curtilage.	Approved	28.04.2017
17/00758/FUL	Erection of 9no. detached dwellings with garaging and access.	Approved	29.06.2017
17/02178/FUL	Application of variation to condition 15 on approval 17/00758/FUL - Amendment to approved drawings.	Approved	13.02.2018
18/00028/DISCON	Discharge of conditions 2 (Materials), 3 (Landscaping), 5 (Fencing), 9 (Construction Method Statement), and 12 (Tree Protection) of planning permission 17/00758/FUL.	Approved	26.01.2018
18/01013/NMA	Amendments of approved application 17/00758/FUL - Addition of obscure glazed first floor window to side elevation on Plots 3, 4 and 5.	Current	

4. Relevant Policies / Government Guidance

n/a

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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 worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

From 1st October 2009 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

In this instance the proposed amendments involve:

- the insertion of obscure glazed en-suite windows at first floor level in the south facing elevations of plots 3, 4 and 5.

The windows would consist of obscure glazing and are located within the side facing elevations of the dwellings on plots 3, 4 and 5. Two of the windows would look out onto open countryside to the south and the other out onto the facing flank of the neighbouring property. No overlooking concerns therefore arise.

Taking all the relevant issues into account it is considered that the alterations to planning permission 17/00758/FUL do not result in any material amendment to that permission or have any significant detrimental impact on visual or residential amenity and thus complies with national and local planning policies.

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 17/00758/FUL.

6. Recommendation

Approval

7. Conditions / Reasons for Refusal

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

- 6465-1105-P5
- 6465-1302-P4

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

8. Informatives

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