

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                               | INITIALS  | DATE       |
|---|-----------|------------|
| File completed and officer recommendation:  | AL        | 04/07/2018 |
| Planning Development Manager authorisation: | <i>AN</i> | 16/7/18    |
| Admin checks / despatch completed           | <i>W</i>  | 17/7/18    |

**Application:** 18/01045/NMA

**Town / Parish:** Great Bentley Parish Council *AK*

**Applicant:** Mrs J Harwood

**Address:** 30 De Vere Estate Great Bentley Colchester

**Development:** Amendment to 18/00316/FUL to change brickwork to render on ground floor, and cladding on the first floor extended area in order to match existing dwelling.

### **1. Town / Parish Council**

Not applicable.

### **2. Consultation Responses**

Not applicable.

### **3. Planning History**

|                 |  |          |            |
|-----------------|--|----------|------------|
| 14/30382/PREAPP | New dwelling.  | Refused  | 18.11.2014 |
| 15/00629/FUL    | Two storey rear extension.                                   | Approved | 22.06.2015 |
| 17/01657/FUL    | New dwelling with associated parking.                        | Approved | 20.11.2017 |
| 18/00316/FUL    | New Dwelling (Alteration to planning approval 17/01657/FUL). | Approved | 24.04.2018 |

### **4. Relevant Policies / Government Guidance**

Not applicable.

#### **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 Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Considerations

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 seek a non-material amendment to planning permission 18/00316/FUL to amend the approved facing brickwork finish on the rear projection to render on the lower half and cladding on the upper half.

The change in materials will be to the rear section of the new dwelling and will match the adjoining extension to the neighbouring property. The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the building with the front remaining as approved. 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. On this basis, the application 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 18/00316/FUL.

## **6. Recommendation**

Approval Non Material Amendment

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: DWG. NO. P02d.

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

8. **Informatives**

Not applicable.