

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	16/08/2018
Planning Development Manager authorisation:	AN	20/8/18
Admin checks / despatch completed	W	21/8/18

Application: 18/01282/NMA **Town / Parish:** Clacton Non Parished

Applicant: Mr K Cross

Address: 11 St Pauls Road Clacton On Sea Essex

Development: Non material amendment to approved planning application - 16/01574/FUL.
2nd floor - remove one window, reposition another & to increase size of another. Ground floor - remove one window & to change proposed sliding doors to french doors.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

n/a

3. Planning History

16/01574/FUL	Proposed change of use of dwelling house into guest house and single storey rear extension	Approved	19.12.2016
18/01282/NMA	Non material amendment to approved planning application - 16/01574/FUL. 2nd floor - remove one window, reposition another & to increase size of another. Ground floor - remove one window & to change proposed sliding doors to french doors.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 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. They raise 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 48 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

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 relate to a planning permission to convert the dwelling into a guest house and involve:

- removal of proposed window from second floor side elevation facing north;
- repositioning of window on the second floor side elevation facing south to align with the 1st floor window;

- increase the size of window present within the second floor rear elevation from one panel to two panels to match and align with window on first floor;
- removal of proposed window to north elevation on the ground floor; and
- change of sliding windows on the rear elevation to French doors with panels.

The changes to the fenestration all relate to existing or proposed windows and would not result in any additional harm to local resident's amenity. Furthermore, the alterations would not materially changes the external appearance of the property.

Taking all the relevant issues into account it is considered that the alterations to planning permission 16/01574/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 16/01574/FUL.

6. Recommendation

Approval

7. Conditions

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

- Plan Titled 'Proposed Change Plan 2'
- Plan Titled 'Proposed Change Plan 1'
- Plan Titled 'Proposed Change Plan 3'

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

8. Informatives

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