

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	11/10/2018
Planning Development Manager authorisation:	SCE	11.10.18
Admin checks / despatch completed	SB	15/10/18

**Application:** 18/01654/NMA **Town / Parish:** Lawford Parish Council

**Applicant:** Mr & Mrs Ben Brotherton

**Address:** 244 Colchester Road Lawford Manningtree

**Development:** Non-material amendment to approved planning application - 17/00460/FUL - proposed change of the front first floor window into a balcony/french doors arrangement.

### 1. Town / Parish Council

Not Applicable

### 2. Consultation Responses

Not applicable

### 3. Planning History

94/00228/OUT	Division of existing garden to provide additional building plot for one detached bungalow	Approved	11.05.1994
10/00043/FUL	Erection of two-storey side extension and alterations to existing vehicular access.	Approved	22.03.2010
13/00421/FUL	New conservatory to rear of existing dwelling for private use.	Approved	29.05.2013
17/00460/FUL	Proposed two storey side extension and extension to existing drive.	Approved	01.12.2017
18/01654/NMA	Non-material amendment to approved planning application - 17/00460/FUL - proposed change of the front first floor window into a balcony/french doors arrangement.	Current	

### 4. Relevant Policies / Government Guidance

Not Applicable

## **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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

From 1st October 2009 a new provision under 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**

The proposal comprises of the following amendments to planning approval 17/00460/FUL.  
- Removal of front first floor window and replacement with balcony.

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the building.

The alteration is sited to the front and therefore will not result in any additional overlooking to neighbouring properties. Whilst the proposed change will be a noticeable feature it will sit in lieu of a window previously approved under planning permission 17/00460/FUL and as a result of the dwellings set back from the front of the site would not result in a harmful visual impact to the appearance and character of the dwelling and area.

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.

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 17/00460/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; 01-2017-03-pc, 01-2017-05pc and 01-2017-04pc.

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

**8. Informatives**

Not applicable