

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	05/02/2019
Planning Development Manager authorisation:	AN	11/2/19
Admin checks / despatch completed	SB	11/02/19.

Application: 19/00073/NMA **Town / Parish:** Brightlingsea Town Council

Applicant: Mr & Mrs M Jay

Address: 28 Queen Street Brightlingsea Colchester

Development: Non material amendment to planning application 16/01185/FUL - Omission of parapet wall and replacement with conventional guttering.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

10/60228/HOUEN Q	Erection of conservatory		22.06.2010
16/01185/FUL	Proposed side and rear extension.	Approved	05.10.2016
19/00073/NMA	Non material amendment to planning application 16/01185/FUL - Omission of parapet wall and replacement with conventional guttering.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

5. Officer Appraisal

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 16/01185/FUL
- Omission of the parapet wall and replacement with conventional guttering.

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 minor alterations will be in the main to the side elevation with a small change shown at the front. The conventional sloping roof with standard guttering will match the existing dwelling where there is now no need for the parapet wall. The proposed amendments would not result in any additional impact or harm to visual amenity or the conservation area 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 16/01185/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: Drawing No. 1955-03G and 1955-05F.

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

8. Informatives

n/a

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