

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	30/09/2019
Planning Development Manager authorisation:	TF	30/09/2019
Admin checks / despatch completed	SB	30/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/9/19

Application: 19/01082/NMA **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Steven Birkin

Address: 36 Ladysmith Avenue Brightlingsea Colchester

Development: Retain chimney breast, place 2 No. high level fixed lights at the same fenestration line, extend height of 2 No. kitchen/dining room windows, and reduce rear extension bathroom windows for planning application 18/00919/FUL.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Not Applicable

3. Planning History

18/00919/FUL	Proposed extension to existing two storey extension, and refurbishment to existing single storey extension.	Approved	10.08.2018
18/01566/FUL	Proposed extension to existing two storey extension, and refurbishment to existing single storey extension. (Variation to planning permission 18/00919 to change wall position to make flush with main house).	Approved	21.11.2018

4. Relevant Policies / Government Guidance

Not Applicable

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 amendment to planning approval 18/00919/FUL;

- Place 2 x high level fixed lights at the same fenestration line
- Extend height of 2 x kitchen/dining room windows
- Reduce rear extension bathroom windows

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed change will be sited to the southern side elevation and therefore not publicly visible to the street scene. Due to its minor nature, the proposal would not result in a harmful impact to the appearance/ character of the dwelling or area.

The proposal is a minor change which will not result in an impact to residential amenities of the neighbouring properties. No additional openings are proposed.

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 18/00919/FUL

6. Recommendation

Approval Non Material Amendment

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Dwg No. 0/A200/PR/001 Revision C and Dwg No. 0/A100/CN/001 Revision B.

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

8. Informatives

Not Applicable

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