

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	1 st Oct 2019
Planning Development Manager authorisation:	TF	03/10/19
Admin checks / despatch completed	xle	03/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	3/10/19

Application: 19/01181/NMA **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Day

Address: Devon House Malting Farm Lane Ardleigh

Development: Non material amendment for application 19/00565/FUL to include the addition of external bi fold doors and removal of side glazing.

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

01/01484/FUL	2 No. side extensions	Refused	11.10.2001
02/00292/FUL	Side extension (re-submission)	Approved	10.04.2002
92/00642/FUL	Erection of one detached dwelling [Amending planning permission TEN/1478/89]	Approved	15.07.1992
94/01192/FUL	Demolition of existing cottage and garage, erection of new house and garage (renewal of permission TEN/1478/89)	Approved	22.11.1994
95/00832/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Front extension and change of use of highway land to form part of residential curtilage	Approved	18.10.1995
96/00397/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Proposed extension to the side and rear of Devon Cottage to provide increased living accommodation and a new double garage (Detached)	Approved	28.05.1996
96/00589/FUL	(Devon Cottage, Malting Farm	Approved	19.06.1996

	Lane, Ardleigh) Garden wall and timber gates (approx 1.8m high)		
98/01235/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Approved	27.10.1998
98/01640/FUL	Proposed demolition of existing dwelling and erection of new dwelling (Amended scheme)	Approved	20.01.1999
99/01011/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Refused	01.09.1999
99/01640/FUL	Proposed land change of use from agricultural to residential and re-positioning of proposed dwelling	Approved	27.01.2000
03/01672/FUL	Extension to existing garage	Approved	10.10.2003
05/01010/FUL	Alterations and extensions to garage to form gym, games room, office and guest room	Approved	03.10.2005
89/01155/FUL	Demolition of existing cottage and erection of two dwellings	Refused	05.09.1989
89/01478/FUL	Demolition of existing cottage and garage erection of new house and garage	Approved	07.11.1989
17/01774/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building.	Approved	14.12.2017
18/01685/FUL	Change of use from equestrian to domestic garden.	Approved	03.12.2018
18/02026/FUL	Extension to existing outbuilding.	Approved	08.03.2019
19/00565/FUL	Extension to existing outbuilding.	Approved	29.07.2019
19/01181/NMA	Non material amendment for application 19/00565/FUL to include the addition of external bi fold doors and removal of side glazing.	Current	
19/01350/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building (resubmission of approved application 17/01774/FUL).	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 (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 the following amendment to planning approval 19/00565/FUL:-

The insertion of a pair of bi-fold doors to the west elevation and the enlargement of the opening to the east elevation with one pair of bi-fold doors.

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 to the east elevation would not be visible in the public domain as this elevation is enclosed within their own courtyard. The changes to the west elevation face towards their own side boundary where there is no public access to the open fields beyond. The changes

do not detract or diminish the quality of the development previously approved. For this reason the changes would not result in a harmful impact to the appearance/ character of the dwelling or area.

There are no adjacent residential dwellings; as such the proposed change will not result in an impact to residential amenities nor result in any greater degree of overlooking than the existing.

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 19/00565/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: 1.2 revision C, received 6th August 2019.

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

8. Informatives

Not applicable