

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	15/04/2021
Planning Development Manager authorisation:	SCE	16.04.2021
Admin checks / despatch completed	CC	16.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/04/2021

Application: 21/00545/NMA **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Partridge

Address: 46 Fleetwood Avenue Holland On Sea Clacton On Sea

Development: Non-Material Amendment to Planning Permission ref: 19/01692/FUL (Extensions and Alterations). Amendments to include removal of garage door and insertion of window to front elevation

1. Town / Parish Council

Not applicable

2. Consultation Responses

Not applicable

3. Planning History

99/01820/FUL	Erection of conservatory	Approved	21.01.2000
19/01692/FUL	Extensions and alterations.	Approved	03.01.2020
21/00545/NMA	Non-Material Amendment to Planning Permission ref: 19/01692/FUL (Extensions and Alterations). Amendments to include removal of garage door and insertion of window to front elevation	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The

Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

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 19/01692/FUL.

-Removal of garage door and insertion of new window.

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 to the front and publicly visible however due to its size and scale would not result in a materially harmful impact to the appearance of the dwelling or area.

Due to its siting and nature the proposed amendment would not result in a loss of residential amenities to the neighbouring sites.

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 19/01692/FUL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: 03A, 04A and 05A.

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

8. Informatives

Not applicable