
Delegated report Officer: Katie Moriarty

Application ref. DMOT/2019/0976

Non-material amendment to permission ref. 9/2015/1124 (approval of reserved matters for layout, scale, appearance & landscaping of permission ref. 9/2013/0689) seeking to amend the house type to alter the internal layout of the dwelling and create an additional bedroom at 12 Maitland Road, Linton, Swadlincote, DE12 6QU

Valid date: 23/08/2019

Consults expired:

EIA development?

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2013/0689 - Outline application (all matters except for access to be reserved) for the residential development of 110 dwellings - Refused 19/12/2013 and Allowed at Appeal 27/10/2014

9/2015/1124 - Approval of reserved matters for layout, scale, appearance and landscaping of permission ref. 9/2013/0689 - Approved with conditions 31/03/2016

Responses to consultations and publicity

None received.

Relevant policy, guidance and/or legislation

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence).

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

- Design Guide Supplementary Planning Document (SPD)

Planning considerations

Unlike section 73 of the Town and Country Planning Act 1990, which only allows a Local Planning Authority (LPA) to vary or remove planning conditions; section 96A allows an LPA to make a change to any planning permission if they are satisfied that the change is not material. The proposed works would be internal and the changes would only relate to the second floor of the dwelling, which would involve bedroom one being retained and the en-suite moved to the front of the property and creating bedrooms four and five to the rear and removing the en-suite from the rear.

Planning assessment

There would be no notable visual change to the external appearance of the proposed dwelling. The proposed changes would not result in a greater level of overlooking and would achieve a good level of amenity, of which rooms could be used for different purposes over the lifetime of the development. The proposed changes would be considered to be non-material and consistent with policies SD1 and BNE1 of the Local Plan.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	14/10/2019
Report agreed:	17/10/2019
Authorised officer:	Chris Nash
