

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	10/07/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	er SB	19/7/18 19/07/18

Application: 18/01071/NMA **Town / Parish:** Harwich Town Council

Applicant: Standard Life Investments UK Real Estate Fund

Address: Unit 2A Harwich Gateway Retail Park Freshfields Road

Development: Amendment to approved 18/00638/FUL to allow A1 class use of Unit 2A.

1. Town / Parish Council

Harwich Town Council No comment.

2. Consultation Responses

N/A

3. Planning History

95/01383/FUL	(Land off Station Road Roundabout, Dovercourt) Variation to conditions 3 and 21 of planning permission for industrial/warehousing, retail units, fast food, PFS, hotel and residential (LPA reference: TEN/93/0206)	Approved	23.01.1996
95/01384/FUL	Variation to condition 6 of planning permission for industrial/warehousing, retail units, fast food, petrol filling station, hotel and residential (LPA Ref: TEN/93/0206)	Approved	23.01.1996
96/01170/FUL	(Land off Station Road Roundabout, Dovercourt) Variation of condition 2 of consent TEN/93/0206 to allow the submission of reserved matters and their date of commencement for a further two years	Approved	12.11.1996
03/01693/DETAIL	Construction of six retail units, garden centre and associated car parking and servicing	Approved	10.11.2003
18/00638/FUL	Sub-division of Unit 2A (to create two new units), external alterations and change of use of new Unit 2A	Approved	15.06.2018

from Class A1 (shops) to Class A3
(restaurants and cafes).

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however 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 216 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 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

In this instance the proposed amendments seek a non-material amendment to planning permission 18/00638/FUL, where the plans showed that Unit 2B was to be occupied by Card Factory under an A1 retail use, with Unit 2A to be an A3 restaurants or café use.

The proposal seeks to amend the layout to allow Card Factory to occupy Unit 2A under Class A1, and Unit 2B to be an A3 restaurants or café use, with no other changes proposed.

Taking all the relevant issues into account it is considered that the alteration to planning permission 18/00638/FUL does not result in any material amendment to that permission or have any significant detrimental impact on visual or residential amenity or highway safety and thus complies with national and local planning policies.

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 18/00638/FUL.

6. Recommendation

Non-Material Amendment – approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number 337.PL.06 Rev P3.

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

- 2 Use of either unit hereby approved is permitted for Class A1 purposes. Use of unit 2B hereby approved may be changed to Class A3 use until 15 June 2021.

Reason - To ensure there is greater flexibility in attracting new business to the retail park.

8. Informatives

N/A