

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	30/07/18
Planning Development Manager authorisation:	AN	30/7/18
Admin checks / despatch completed	AN	31/7/18

ER

Application: 18/00961/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Kilo Properties

Address: Former Martello Caravan Park Site Walton On The Naze Essex

Development: Amendment to west building elevation.

1. Town / Parish Council

Frinton & Walton Town Council No comment.

2. Consultation Responses

N/A

3. Planning History

95/00730/FUL	Internal alterations plus external staircase to Martello Tower Monument No. 123	Approved	08.09.1995
04/01485/FUL	Erection of new reception building.	Approved	23.09.2004
11/00244/FUL	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, servicing, landscaping and pedestrian footbridge.	Approved	19.10.2012
11/00903/OUT	Proposed redevelopment of the Martello Caravan Park for a new residential neighbourhood with ancillary mixed-use commercial zone. Phase 1 comprising a site area of fifteen acres and providing 150 dwellings including sheltered housing and ancillary commercial zone to include a food superstore, retirement home and doctors group practice/health centre.	Withdrawn	12.08.2011
12/00410/FUL	Proposed major engineering works to raise the level of the front 3.2 hectares of the site above the flood plain and the provision of the base course for new service roads,	Approved	

	roundabout and car park.		
12/01147/DEMCO N	Demolish the Wellington Suite Complex; Amusement arcades and associated stores, supermarket, offices & stores, former camp offices, new camp offices and stores, former cinema building, garage / workshop buildings, sewerage pumping station and swimming pool, enclosure and associated buildings.	Withdrawn	26.09.2013
13/01412/OUT	Hybrid application for proposed development consisting of: - a 60 unit extra care apartment block: 48 single bed apartments, 12 two bed apartments (full planning permission sought) - a medical centre and pharmacy (outline planning permission sought).	Withdrawn	19.03.2014
14/30189/PREAPP	EIA Screening Opinion for proposed residential development for up to 275 homes.		15.05.2014
14/01085/FUL	The implementation of a new access road and associated highway infrastructure to support the redevelopment of the later development of the Martello site.	Approved	26.01.2015
14/01303/FUL	Three storey, 60 unit extra care unit, comprising of 46 single bed apartments & 14 two bed apartments.	Approved	30.03.2015
14/01320/OUT	Two storey medical centre and pharmacy.	Approved	04.12.2015
14/01837/FUL	The re-profiling of ground levels in the south west section of Martello site to facilitate future development.	Withdrawn	05.06.2015
15/30010/PREAPP	Erection of 250 dwellings and associated development.	Refused	10.04.2015
15/30022/PREAPP	Proposed ALDI food store.		04.08.2015
15/00630/FUL	Demolition of existing buildings and erection of 237 residential dwellings together with associated access, car parking, landscaping and related works.	Refused	13.11.2015
15/01714/FUL	Demolition of existing buildings, re-profiling of ground levels and erection of 216 residential	Approved	03.11.2016

	dwelling together with associated access, car parking, landscaping and related works.		
15/01731/DISCON	Discharge of condition 7 (site levels) of planning permission 14/01303/FUL.	Approved	12.02.2016
16/00171/FUL	Construction of a temporary access.	Approved	01.04.2016
16/00369/FUL	A two storey enabled living facility providing 16 apartments for profoundly disabled adults with staff accommodation in the roof space.	Approved	12.09.2016
16/00568/DISCON	Discharge of condition 3 (materials), 4 (landscaping), 6 (boundary treatments), 10 (surface water management strategy), 11-13 (archaeology), 16 (construction method statement) and 20 (mitigation for protected species and birds) of planning permission 14/01303/FUL.	Approved	04.10.2016
16/00997/FUL	Implementation of a new sub station to cater for wider site redevelopment proposals.	Approved	31.08.2016
16/02019/TELLIC	Installation of 1 no. OSCP cabinet.	Determination	21.12.2016
17/00210/DISCON	Discharge of condition 8 (detailed scheme) of approved planning application 14/01303/FUL.	Approved	21.04.2017
17/00319/DISCON	Discharge of conditions 3 (Hard and soft landscaping), 5 (refuse strategy), 6 (Surface water drainage), 7 (Foul water drainage), 8 (Phasing plan), 9 (Materials), 10 (Street lighting scheme), 11 (Boundary walls and fences), 12 (floor levels), Condition 13 (Revised drawings addressing highways issues), 14 (Residential Travel info pack), 15 (Construction method statement), 16 (Ecological Mitigation), 17 (Archaeological), 18 (Fibre Optic connection) and 19 (Local Recruitment Policy) of approved planning application 15/01714/FUL.	Approved	11.07.2017
17/00451/DISCON	Discharge of conditions 5 (Refuse Strategy) and 19 (Local Recruitment Policy) of approved	Approved	

	planning application 15/01714/FUL.		
17/00571/FUL	A two storey enabled living facility providing 16 apartments for profoundly disabled adults.	Approved	11.08.2017
17/30112/PREAPP	Residential development of up to 49 dwellings.		17.07.2017
17/01090/FUL	Redevelopment of the site through the construction of an M&S Foodhall together with associated car parking and landscaping and ancillary cafe.	Approved	28.09.2017
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017
17/01803/FUL	To vary condition No. 5 on application 17/01090/FUL - remove the restriction on subdivision of the unit.	Approved	28.11.2017
17/01907/DISCON	Discharge of conditions 16 (Staff Travel Plan), 21 (Drainage Scheme), 22 (Offsite Flooding) and 23 (Maintenance Plan) of approved planning application 17/01090/FUL, and discharge of conditions 21 (Drainage Scheme), 22 (Offsite Flooding) and 23 (Maintenance Plan) of approved planning application 17/01803/FUL.	Approved	04.12.2017
17/02013/DISCON	Discharge of condition 11 (Boundary Treatment) of approved planning permission 15/01714/FUL.	Approved	12.12.2017
17/02124/DISCON	Discharge of conditions 4 (Surfacing Materials), 7 (Landscape Management Plan) & 17 (Construction Method Statement) of planning permission 17/01803/FUL.	Approved	19.02.2018
18/00099/FUL	Variation of condition No. 2 & No. 3 on application 17/01803/FUL -to allow the substitution of drawings to reflect the design amendments.	Approved	21.02.2018
18/00206/DISCON	Discharge of condition No. 8 (Archaeology) of application 17/01803/FUL.	Approved	19.02.2018
18/00331/FUL	Proposed Change of Use of First Floor of Offices to form a new residential dwelling.	Approved	27.04.2018

18/00336/DISCON	Discharge of condition 16 (Recruitment Strategy) of planning permission 18/00099/FUL.	Approved	21.05.2018
18/00434/DISCON	Discharge of conditions 6 (surface water drainage), 7 (foul water strategy), 8 (Phasing Plan and Programme), 9 (External facing and roofing materials specification), 10 (external lighting), 13 (Highways details), and 15 (Construction Method Statement) of 15/01714/FUL.	Current	
18/00593/NMA	Non-material amendment to 15/01714/FUL - Minor adjustment to the position of dwellings 1-91, associated parking and roads.	Approved	07.06.2018
18/00960/ADV	No.3 signs on building, Trolley Bay Signs and Freestanding Totum sign.	Current	
18/01041/DISCON	Discharge of Condition 17 (external lighting scheme, location and appearance of external plant and machinery, boundary treatments including facing details of retaining walls) of 18/00099/FUL.	Current	

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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

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 18/00099/FUL, to allow an amendment to part of the design of the west elevation. Previously it was approved as glazing; however the proposal seeks to amend this to brickwork, with no other changes proposed.

Taking all the relevant issues into account it is considered that the alteration to planning permission 18/00099/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 18/00099/FUL.

6. Recommendation

Non-Material Amendment – approval.

7. Condition

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans submitted under 17/01090/FUL: P20005.P01.02 and Drainage Layout E01 Rev P4; and supporting documents: Archaeological Desk-Based Assessment reference LP0963E-DBA-v1.5, Ecological Assessment reference ECO2823.EcoAs.vf, Environmental Noise Control Assessment dated 25 May 2017, Flood Risk Assessment dated 7th June 2017, Planning and Retail Statement dated June 2017, Heritage, Design and Access Statement dated June 2017, Ground Investigation Report No. SW-947.1.0, Transport Statement dated June 2017, Framework Travel Plan dated July 2017, File 2017-09-27 SW Drainage by Tumu Consulting, and email trail received from Suds at 15:25 27/09/2017. And the following approved plans submitted under 18/00099/FUL: P00003.P01.05, P40001.P01.05 and supporting documents: Suds Drainage Statement and Addendum to Heritage, Design and Access Statement. And the following plans submitted under 18/00961/NMA: S/4046/18/PL-02, S/4046/18/PL-03, S/4046/18/PL-05 and S/4046/18/BR-05 Revision B.

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

8. **Informatives**

N/A