

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	16/08/2018
Planning Development Manager authorisation:	SCE	22.08.18
Admin checks / despatch completed	EJL	23/08/18

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Application: 18/01275/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Ms Becky Mumford

Address: Land Site at Martello Caravan Park Kirby Road Walton On The Naze

Development: Non-Material Amendment to application 18/00646/FUL to amend border fencing, landscaping and car parking.

1. Town / Parish Council

2. Consultation Responses

Tree & Landscape Officer No comments

3. Planning History

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
15/30022/PREAPP	Proposed ALDI food store.		04.08.2015
15/00666/FUL	Regeneration of the site through construction of foodstore together with associated parking & landscaping, and regrading of levels to facilitate development.	Approved	06.11.2015
16/01131/DISCON	Discharge of condition 3 (surfacing materials), 7 (hard and soft landscaping), 9 (landscape management plan), 11 (foul water strategy), 14 (linkthrough details) and 19 (Construction Method Statement) of approved planning application 15/00666/FUL.		03.08.2018
16/02054/DISCON	Discharge of condition 6 (Recruitment Strategy) of approved planning application 15/00666/FUL.	Approved	30.01.2017
18/00415/DISCON	Discharge of conditions 20 and 21 of planning permission 15/00666/FUL. Written Scheme of Investigation Report and Archaeological Trial Trench Evaluation Report.	Approved	30.04.2018

18/00646/FUL	Variation of Condition 2 of 15/00666/FUL to vary plans resulting in a minor increase of 134 sqm gross floor area, amending the size and layout of the storage area and staff offices, entrance location, and parking and trolley bay locations.	Approved	18.07.2018
18/01231/DISCON	Discharge of Conditions 9 (foul water strategy) and 10 (surface water strategy) of 18/00646/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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

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 change 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 18/00646/FUL to change the approved green screen on the side boundary to 1.8m high close boarded fence; soften the slope along the southern boundary towards the culvert and add a 1.2m high fence for safety; add an additional parking bay in the SE corner which results in the approved fence moving back 1m and a small reduction in landscaping in this area.

Works are underway on site to build the approved Aldi supermarket. The changes proposed are minor and will not result in any material visual harm. The green living screen along the highway boundary remains it is the section on the side boundary which is to be replaced by fencing which will not be prominent and is therefore acceptable. The alterations to the slope gradient leading into the culvert are also minor in visual terms and the low level fencing is a sensible safety measure which will not be visually prominent. The small loss of landscaping to accommodate an additional parking space is internal to the site and will not be particularly prominent and the provision of an additional parking bay outweighs any modest harm through reduced landscaping.

The proposed changes would raise no concerns in relation to impact upon amenity or highway safety.

Taking all the relevant issues into account it is considered that the alterations proposed to planning permission 18/00646/FUL will not result in any significant change to the development overall. On this basis, the application 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 18/00646/FUL.

6. **Recommendation**

Approval Non Material Amendment

7. **Conditions**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and contained within the submitted reports as follows:

Drawing numbers 1293 CHE 100 N and V1293 L01 D.

As submitted and approved under 18/00646/FUL: Drawing numbers 1293 CHE: 101 D, 102 E, and 104 B. Landscape Maintenance and Management Plan Document No: V1293_R01B Rev B.

As submitted and approved under 15/00666/FUL: Drawing numbers 14001 - 05 and 14001 - 06; and Reports and Technical Information:

- o Archaeological Desk-Based Assessment (Heritage Collective)
- o Architectural Drawings and Design and Access Statement (The Harris Partnership)
- o Ecological Assessment (Ecology Solutions)
- o Environmental Noise Report (Sharps Redmore)
- o Flood Risk Assessment and Drainage Strategy Report (Stirling Maynard)
- o Planning Statement (Planning Potential)
- o Recycled Aggregate
- o Statement of Community Involvement (Communications Potential)
- o Transport Assessment and Travel Plan (Connect)

Reason - For the avoidance of doubt, in order to ensure the development is carried out in accordance with the approved details in the interests of proper planning.

8. Informatives