

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	21/08/2018
Planning Development Manager authorisation:	SCE	22.08.18
Admin checks / despatch completed	PWS	28/8/18

*ER*

**Application:** 18/01297/NMA **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Blishen

**Address:** Land Site of Former Martello Caravan Park Kirby Road Walton On The Naze

**Development:** Non material amendment to planning permission 15/01714/FUL - minor amendment to setting out of Plots 20 and 21 to allow construction mindful of existing fencing.

### 1. Town / Parish Council

### 2. Consultation Responses

### 3. Relevant 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
15/00630/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 dwellings together with associated access, car parking, landscaping and related works.	Approved	03.11.2016
16/00171/FUL	Construction of a temporary access.	Approved	01.04.2016
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



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 planning application 15/01714/FUL.	Approved	
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017
17/02013/DISCON	Discharge of condition 11 (Boundary Treatment) of approved planning permission 15/01714/FUL.	Approved	12.12.2017
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

#### 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **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 15/01714/FUL to slightly move plots 20 and 21 further from the boundary. The need for the change is stated to be an issue with the neighbouring landowner having erected a fence and wanting to progress with construction they are seeking a small resiting to enable the plots to be built slightly closer together and slightly further from the external site boundary.

The changes proposed are minor and will not result in any material visual harm and will unlikely be perceptible outside the confines of the site. The proposed change raises 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 15/01714/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 15/01714/FUL.

History: 18/00593/NMA approved Non-material amendment to 15/01714/FUL - Minor adjustment to the position of dwellings 1-91, associated parking and roads. The approved plans condition includes the changes permitted by this NMA.

## 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 following submitted plans:
  - o 15/019/001 Site Location Plan
  - o 20872-ARC-3010 Rev C5
  - o 21611-ARC-3000 Rev C5
  - o 15/019/003 Street Elevations
  - o 15/019/004A Street Elevations
  - o 15/019/005A Site Sections
  - o 15/019/010A House Type A General Arrangement
  - o 15/019/011 House Type A Elevations and Section
  - o 15/019/012 House Type B General Arrangement
  - o 15/019/013 House Type B Elevations and Section
  - o 15/019/014 House Type D General Arrangement
  - o 15/019/015 House Type D Elevations (Brick) and Section
  - o 15/003/016 House Type D Elevations (Render) and Section
  - o 15/003/017 House Type E General Arrangement
  - o 15/019/018 House Type E Elevations (Brick) and Section
  - o 15/003/019 House Type E Elevations (Render) and Section
  - o 15/019/020 House Type F General Arrangement
  - o 15/019/021 House Type F Elevations and Section
  - o 15/019/022 House Type G General Arrangement
  - o 15/019/023 House Type G Elevations (Brick) and Section
  - o 15/019/024 House Type G Elevations (Render) and Section
  - o 15/019/025 House Type H General Arrangement
  - o 15/019/026 House Type H Elevations and Section
  - o 15/019/027 House Type J General Arrangement
  - o 15/019/028 House Type J Elevations and Section
  - o 15/019/029A House Type K General Arrangement
  - o 15/019/030A House Type K Elevations (Brick) and Section
  - o 15/019/031A House Type K Elevations (Render) and Section



- o 15/019/032A House Type K Elevations (Weatherboard) and Section
- o 15/019/033 House Type L General Arrangement
- o 15/019/034 House Type L Elevations (Brick) and Section
- o 15/019/035 House Type L Elevations (Render) and Section
- o 15/019/036 Plots 207 & 216 (Mirrored) General Arrangement
- o 15/019/037 House Type J Plots 207 & 216 (Mirrored) Elevations (Weatherboarding/Render)
- o 15/019/038 House Type K (Plots 208, 210, 213, 215) General Arrangement
- o 15/019/039A House Type K (Plots 208, 210, 213, 215) Elevations (Brick) and Section
- o 15/019/040 Type N General Arrangement
- o 15/019/41 House Type N Elevations (Render)
- o 15/019/042 House Type M General Arrangement
- o 15/019/043 House Type M Elevations (Weatherboarding)
- o 15/019/044A Carports Plans & Elevations
- o 15/019/045A Single Garage

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

## 8. Informatives