

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	10/09/18
Planning Development Manager authorisation:	AN	24/9/18
Admin checks / despatch completed	AN	25/9/18

ER

Application: 18/01378/NMA **Town / Parish:** Clacton Non Parished

Applicant: Building Services - Tendring District Council

Address: Land adjacent Lotus Way Tamarisk Way Jaywick

Development: Non-material amendment to approved planning application 17/01032/FUL - relocation of proposed substation & gable band detail - rear elevation.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

N/A

3. Planning History

94/00529/FUL	(Lion Point, entrance to Jaywick Market Site, Tamarisk Way, Jaywick) Continued stationing caravan for use as market office and store	Approved	07.06.1994
04/00873/FUL	Change of use of land and buildings.	Withdrawn	10.05.2004
17/00877/FUL	Proposed redevelopment of vacant site for 10no. two bedroom starter homes.	Approved	
17/01030/FUL	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Approved	21.09.2017
17/01032/FUL	Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Approved	21.09.2017
18/01377/NMA	Non-material amendment to approved planning application 17/01030/FUL - relocation of proposed substation & gable end detail - rear elevation.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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

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 17/01032/FUL, to allow the relocation of the proposed substation approximately 3 metres to the west, and for the installation of a horizontal joining strip above the second floor of the rear elevation for each property. No other changes are proposed.

Taking all the relevant issues into account it is considered that the alteration to planning permission 17/01032/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 17/01032/FUL.

6. Recommendation

Non Material Amendment – approval.

7. Conditions

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers A/2017/06/01/A Revision A and A/2017/06/04/A Revision A, and the following submitted plans and the recommendations contained within the submitted reports from 17/01032/FUL as follows:

Drawings

- o Drawing no. A/2017/06/03 Block B Proposed floor plans;
- o Job reference 800060184 UK Power Networks - plan showing location of power cables, and;
- o Drawing no. EDS 07-0102.21 A - Additional information regarding earthing arrangements of elevated unit/package substation with fully banded plinth and GRP enclosure.

Reports

- o Design and Access Statement June 2017;
- o Flood Risk Assessment - Richard Jackson January 2017 Project No. 47547;
- o Preliminary Ecology Appraisal - Essex Ecological Services Ltd February 2017;
- o Reptile Survey and Mitigation - Essex Ecological Services Ltd August 2017;
- o Phase 2 Site Investigation Report - TerraConsult March 2016 Report No. 10172-RO1, and;
- o Brief for Archaeological Trial Trench Evaluation and palaeo-environmental test pitting - Essex County Council Place Services 3 August 2017.

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

N/A