

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/07/2020
Planning Development Manager authorisation:	AN	07/07/2020
Admin checks / despatch completed	CC	07/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/07/2020

Application: 20/00657/NMA **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Nick Marquez - Bocking Homes

Address: The Bell Hotel Car Park High Street Thorpe Le Soken

Development: Non-material amendment of approved application 18/01388/FUL to adjust soft landscaping and parking area finish.

1. Town / Parish Council

Not Applicable

2. Consultation Responses

ECC Highways Dept
24.06.2020

The Highway Authority does not object to the proposals as submitted.

Informative:

1: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester, CO4 9YQ

3. Planning History

99/01163/FUL	Mobile home for residential use whilst The Bell Hotel is rebuilt after fire	Approved	20.09.1999
18/01388/FUL	Erection of one pair of semi-detached houses with detached bin/cycle stores. Detached garage for use as storage by public house. Reconfiguration of car park with associated landscaping and new fencing.	Approved	15.10.2018

19/00275/DISCON	Discharge of Condition 5 (Archaeological Trial Trenching), 6 (Archaeological Evaluation) and 7 (Archaeological Fieldwork) of application 18/01388/FUL.	Approved	14.03.2019
19/01668/DISCON	Discharge of conditions 3 (construction method statement), 9 (Soft Landscaping) and 11 (materials) of planning permission 18/01388/FUL	Approved	17.12.2019

4. Relevant Policies / Government Guidance

Not Applicable

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 18/01388/FUL to relocate one of the trees and to remove the hedging to extend the parking area.

In this instance the changes proposed do not represent a significant change from the existing approval, it does not change the proposed highway or parking arrangements.

Therefore the revision does not represent material changes to the scale, degree and magnitude of the development. There would not be a detrimental impact in respect of visual amenity and no third party would be disadvantaged in any way from the proposed amendments.

Taking all the relevant issues into account it is considered that the alterations proposed to planning permission 18/01388/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.

6. **Recommendation**

Approval Non Material Amendment

7. **Conditions / Reasons for Approval**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 0158BR 001
Drawing No. 0158BR 005 Revision C

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

8. **Informatives**

Not applicable

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO