

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	BO'B	31.01.2022
Planning Development Manager authorisation:	JJ	31/01/2022
Admin checks / despatch completed	SH	01.02.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.02.2022

**Application:** 21/01487/VOC **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Paul Munday - Funding Affordable Homes

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

**Development:** Variation to condition 18 of permission 14/01303/FUL, so that the extra care apartments are hereby permitted to be occupied by persons of 45 years of age or older who are in need of care and assistance (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended).

### 1. Town / Parish Council

FRINTON & WALTON  
TOWN COUNCIL  
20.09.2021

Support the scheme.

### 2. Consultation Responses

NHS East Essex CCG      No response

Adult Social Care      No response

### 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	Withdrawn	12.08.2011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, roundabout and car park.	Approved	
12/01147/DEMCON	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	Withdrawn	26.09.2013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 dwellings together with associated access, car parking, landscaping and related works.	Approved	03.11.2016
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 planning application 15/01714/FUL.	Approved	
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.	Approved	20.09.2018
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.	Approved	03.08.2018
18/00961/NMA	Amendment to west building elevation.	Approved	31.07.2018
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.	Approved	04.09.2018
18/01297/NMA	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.	Approved	28.08.2018
18/01633/DISCON	Discharge of Condition 13 (Cycle Parking) to approved planning application 18/00099/FUL.	Approved	04.10.2018
18/01689/ADV	Display of 4no. vinyls to windows.	Approved	29.11.2018
18/01781/DISCON	Discharge of Condition 3 (Hard and Soft Landscaping) of application 15/01714/FUL with drawing 20875/CIV/1251 C3 substituting drawing 1251 T1 .	Withdrawn	11.12.2018
18/01921/FUL	Full planning permission for re-grading earth works to the permitted open space consented under application 15/01714/FUL.	Approved	18.09.2019
18/01943/FUL	Alterations and additions to create new Coast Guard Station with residential flat over.	Approved	08.02.2019

19/00301/DISCON	Discharge of conditions 3 (landscaping), 9 (Materials) and 11 (Boundary Walls) of approved application 15/01714/FUL.	Approved	16.07.2020
19/00981/FUL	Proposed re-grading earthworks and associated landscaping and fencing to the permitted open space consented under application 15/01714/FUL.	Withdrawn	16.07.2020
19/01116/FUL	Proposed 53no. dwellings and associated landscaping, roads, parking and drainage works.	Approved	21.09.2020
20/00431/FUL	Proposed installation of an equipped area of play.	Approved	13.07.2020
20/01529/FUL	Proposed temporary storage container unit.	Approved	23.12.2020
21/00170/DISCON	Discharge of conditions 3 (hard and soft landscaping), 5 (refuse facilities), 13 (phasing plan and programme), 14 (materials), 16 (boundary walls and fences), 23 (cycle parking) and 27 (construction method statement) of planning application 19/01116/FUL.	Approved	08.07.2021
21/00256/DISCON	Discharge of Conditions 6 (Surface Water Drainage), 7 (Minimising Off-Site Flooding), 10 (Archaeological WSI), 18 (Highway Drawings), 21 (Surface Water) and 29 (Foul Water Drainage) as outlined in Planning Permission ref: 19/01116/FUL (Proposed 53no. dwellings and associated landscaping, roads, parking and drainage works)	Current	
21/00283/NMA	Non-Material Amendment to Planning Permission ref: 19/01116/FUL for proposed extension to domestic garden areas of Plots 1-16, 33 and 43 in addition to several green spaces along the western and northern site boundaries and to substitute approved site location plan and site layout plan with revised versions to reflect alterations to boundaries	Approved	04.03.2021
21/00314/FUL	Installation of equipped play area and soft landscaping (revision of Planning Application ref: 20/00431/FUL)	Approved	13.04.2021

21/00920/DISCON	Discharge of Conditions 8 (Drainage), 11 (Archaeology), and 15 (External Lighting) for 19/01116/FUL.	Approved	23.09.2021
21/01159/DISCON	Discharge of condition 28 (Fibre Optic Broadband Connection) of approved application 19/01116/FUL.	Approved	08.07.2021
21/01487/VOC	Variation to condition 18 of permission 14/01303/FUL, so that the extra care apartments are hereby permitted to be occupied by persons of 45 years of age or older who are in need of care and assistance (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended).	Current	
21/01918/DISCON	Discharge of condition 14 (materials) of application 19/01116/FUL.	Approved	06.01.2022
21/02180/DISCON	Discharge of Condition 3 (Scheme of hard and soft landscaping) of permission 19/01116/FUL	Current	

#### **4. Relevant Policies / Government Guidance**

##### **National:**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

##### **Local:**

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

LP1 Housing Supply

LP2 Housing Choice

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

### Supplementary Planning Documents

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

### The Site

The site is located on the former Martello Caravan Park within Walton-on-the-Naze, to the north of the town centre.

There are residential dwellings to the north of the site with two commercial units to the south.

The application site consists of a three storey, 60 unit, extra care facility, which is comprised of 46 single bedroom apartments and 14 two bedroom apartments, as approved by planning permission LPA Ref:14/01303/FUL.

### The Proposal

This application seeks planning permission for the variation of Condition 18 of previously approved 14/01303/FUL. Condition 18 restricted the age of the occupants of the units to over 55 years of age.

The changes proposed are to allow for the extra care apartments to be occupied by persons of 45 years of age or older who are in need of care and assistance.

### Principle of Development

The application seeks to vary Condition 18 of planning permission 14/01303/FUL. The development has been built out in full as per the granted permission and was completed in 2017. The principle of development has therefore already been established and is considered acceptable in accordance with the policies of the development plan

### Assessment of Proposal

Policy HP1 of the Tendring District Local Plan 2013-2033 states that the Council will work in with the NHS, public health and stakeholders to ensure access to high quality new and improved services to serve the growing population and work on projects that provide better service integration to improve access for vulnerable persons.

Policy HP10 states that the Council will support the provision for extra care housing within the mix of accommodation across the District.

The approved scheme (reference 14/01303/FUL) was designed as an extra care scheme for people over the age of 55. The agent has applied to vary the condition to reduce this age to 45 years or older due to increasing demand from people with learning and/or physical disabilities/sensory impairment under the age of 55. The agents state that they have been in discussions with Essex County Council who have confirmed that there is an increasing demand for this specialist accommodation.

This application seeks planning permission for the variation of Condition 18 of previously approved 14/01303/FUL and seeks to reduce the specified age for those occupying the extra care



apartments from 55 years down to 45 years of age or older who are in need of care and assistance. As such the proposed variation of Condition 18 would have no additional impact on the existing design, layout, or any highway matters, nor any impact on residential amenity in comparison to the previously approved scheme.

The development is already built out and has been in operation for a considerable number of years, there is no need to repeat conditions that were attached to the previously approved application 14/01303/FUL. It is considered that many of these conditions related to pre-delivery and have been discharged and the others now seem largely irrelevant due to the long establishment of the facility.

The Council's Housing Team have been consulted as part of the application and do not raise any objection to reducing the minimum age from 55 years to 45 years.

The NHS and Essex County Council Adult Care have also been consulted and have not raised any comments.

Given the above, and that the facility is set within a recently developed wider area of land that contains a mix of both residential and commercial uses, it is considered that the proposal is generally compliant with the requirements of Policies HP1 and LP 10 of the Local Plan.

#### Legal Matters

The original application was subject to a Section 106 agreement. It has been confirmed by Tendring District Council Land Charges that all financial obligations have been met and no varied legal agreements are required to determine this case.

#### Representations

Frinton and Walton Town Council have no objections to the proposal and no letters of representation have been received.

#### Conclusion

The proposal is considered acceptable in principle in accordance with the current development plan and the Framework. In the absence of any material harm, the application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

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

Location Plan Drawing No. 2630/00-001 A (as submitted and approved under 14/01303/FUL)

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

2. Other than the staff room/office and any guest room, the extra care apartments hereby permitted shall be occupied by persons of 45 years of age or older (and by their partners sharing accommodation or surviving partners and the learning disability/assisted care living unit shall be occupied by persons that are in need of care or assistance (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended). The development shall not be occupied for any other purpose including any other purpose in C3 or C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification), including as a secure hospital or secure care facility, without express permission of the Local Planning Authority.

**Reason** - An unfettered residential (Class C3 use) or a secure hospital or care facility (Class C2a use) would have an impact on residential amenity over and above that of an extra care facility or as a learning disability/assisted care living unit by reason of the additional security

means required and the levels of amenity space and parking areas would be substandard for a C3 residential use.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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