

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	MP	01/03/22
Planning Development Manager authorisation:	JJ	02/03/2022
Admin checks / despatch completed	ER	02/03/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	02.03.2022

**Application:** 22/00218/NMA **Town / Parish:** Clacton Non Parished

**Applicant:** Gary Duthie - Tingdene Parks Limited

**Address:** Site at Sacketts Grove Caravan Park Jaywick Lane

**Development:** Non-material amendment of application 17/02055/FUL (allowed on appeal APP/P1560/W/19/3226280) - minor revision of soft landscaping (condition 3) and layout (condition 1).

### **1. Town / Parish Council**

Clacton – Non Parished

### **2. Consultation Responses**

Tree & Landscape Officer  
24.02.2022

The information provided by the applicant in relation to soft landscaping is comprehensive and shows a good level of new planting on site boundaries and in the main body of the site

The element of the soft landscaping proposal relating to the site boundary comprises a mix of species suitable for use as a screening belt strengthened by additional tree planting.

The proposed new planting in the main body of the application site will improve the appearance of the layout and will help to soften its appearance.

Overall the proposed landscaping is considered to be sufficient to soften, screen and enhance the appearance of the development.

### **3. Planning History**

01/01604/FUL	Change part of layout from six residential mobile homes to seven (variation to scheme and condition 2 imposed upon planning permission TEN/2201/88)	Approved	08.11.2001
98/01520/FUL	Extension to existing car park	Approved	22.01.1999
04/01699/FUL	-Siting of 41 static holiday caravans on part of the existing touring area.	Approved	26.10.2004
04/02222/FUL	Variation of Condition No. 2 on planning consent ref. TEN/2200/88 dated 26th August 1989 to provide	Approved	05.01.2005

for an operating season namely 1st March in any one year to 15th January in the following year.

07/00434/FUL	Block of 9 new pre-fabricated garages to car park. (Part retrospective)	Approved	29.05.2007
08/00572/FUL	Relocation of outside swimming pool.	Approved	18.06.2008
11/00254/FUL	Proposed upgrade and extension of existing caravan park to allow for the siting of 21 additional static holiday caravans, 40 relocated touring pitches and pitch and putt area together with the siting of 19 additional static holiday caravans within the existing park and overall environmental improvements including significant landscaping at Sacketts Grove Caravan Park.	Approved	07.06.2011
11/00256/OUT	Proposed indoor swimming pool as part of the upgrade and redevelopment at Sacketts Grove Caravan Park.	Approved	16.05.2011
14/00568/DISCON	Discharge of condition 02 (Landscaping details) of planning permission 11/00254/FUL.	Approved	27.05.2014
14/00577/DETAIL	Approval of reserved matters of outline approval 11/00256/OUT, in relation to the appearance of the proposed indoor swimming pool.	Approved	02.07.2014
14/01815/FUL	Proposed siting of 135 static holiday caravan on the western element of Sacketts Grove Holiday Park in lieu of an approved development of 40 static holiday caravans and 40 touring caravans, together with landscape planting.	Approved	04.11.2015
15/00391/FUL	Relocation of LPG compound from east side of residents car park to north end of car park to facilitate improvements to parking and to accommodate bulk tanker deliveries.	Approved	28.05.2015
15/01904/FUL	Removal of condition 12 of planning permission 14/01815/FUL, regarding the north bound bus stop improvements, as the condition is considered unreasonable and unnecessary.	Withdrawn	23.03.2016
16/00582/DISCON	Discharge of condition 7 (hard and	Approved	07.12.2016

	soft landscaping), 8 (ground levels and hard landscaping), 9 (screen walls and fences) and 11 (car parking) of planning permission 14/01815/FUL.		
16/00675/FUL	Variation of conditions 13, 14 and 15 of planning application 14/01815/FUL to allow for an extension of time for the details to be submitted to discharge the subject conditions.	Approved	12.04.2017
16/00850/FUL	Proposed extension to existing office accommodation to caravan park.	Approved	26.07.2016
16/00980/DISCON	Discharge of condition 13 (surface water drainage scheme) and 15 (drainage management and maintenance plan) of planning permission 14/01815/FUL.	Approved	07.12.2016
16/01113/FUL	Proposed Calor tank compound (6 No. 4,000 litre tanks).	Approved	27.09.2016
17/02055/FUL	Variation of conditions 1,2,3,4,5,6,9 & 10 of planning application 16/00675/FUL to allow for the residential occupation of caravans permitted on the western part of the site.	Refused	09.10.2018
18/01861/FUL	Proposed 21 additional Static Holiday Caravans with parking spaces adjacent to Caravans (NOT occupied for human habitation between 15th January and 28th February), demolition of existing building and re-arrangement of existing car park to form 29 parking spaces.	Approved	26.04.2019
19/01115/DISCON	Discharge of condition 4 (Landscaping) for approved application 18/01861/FUL.	Approved	28.08.2019
19/01620/FUL	Variation of condition 02 (approved plans) of planning permission 18/01861/FUL.	Approved	
19/01712/FUL	Proposed 19 additional Static Holiday Caravans with parking spaces adjacent to Caravans (NOT occupied for human habitation between 15th January and 28th February), demolition of existing building and re-arrangement of existing car park to form 29 parking spaces	Approved	10.02.2020

20/00507/DISCON	Discharge of conditions 7 (surface water drainage), 8 (Drainage) and 9 (Drainage) for 17/02055/FUL allowed on appeal APP/P1560/W/19/3226280.	Approved	04.06.2020
21/01300/FUL	Variation of condition 4 (Vehicle Parking) of application TEN/2201/88 to allow residents with disabilities to park next to trailers.	Approved	07.10.2021

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

N/A

#### **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.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

#### **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 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 17/02055/FUL, in order to substitute the following previously approved drawings:

- Drawing number W1788 MP01 Revision D, titled 'Landscape Masterplan';
- Drawing number 1002 Sheet 1 of 2, titled 'Detailed Planting Plan'; and
- Drawing number 1002 Sheet 2 of 2, titled 'Detailed Planting Plan'.

These are proposed to be replaced with the following:

- Drawing number 240006\_06\_170\_01 'Sandpaper Gardens - Base Drawing';
- Drawing number 240006\_06\_170\_01 'Sandpaper Gardens - Base Drawing with Marked Water Main' and
- 'Sandpaper Gardens - Plant List'

The changes being proposed from the previously approved scheme involve alterations to the layout and landscaping, as follows:

#### Layout:

In order to comply with water industry regulatory requirements, a 'no build-over' corridor of width 3m either side of the centreline of the water main must be allowed in the developed layout of Sandpiper Gardens. To achieve this, the layout has been slightly reconfigured to the south-western corner of the development, and the provision of visitor parking has been slightly increased to 27 spaces. However, the alterations do not result in material change to the character of the development, and the overall number of units will remain as approved.

#### Landscaping:

The proposal includes the following changes:

- Additional pruning of existing established Oak trees at the entrance of the site, and for the crown of these to raise to 4m;
- Quercus Robus (English Oak) trees from the previously approved generally planting mix are to be removed, as well as flowering cherries;
- Increase density of tree planting to the amenity of planting area around the balancing pond;
- Adjustment of the currently required extra heavy standard trees to standard trees;
- Removal of specified tree whips and feathers, replaced with standard trees; and
- Adjustment of the planting distances to ensure all trees are placed at 3m centres;

In this instance the changes proposed do not represent a significant change from the existing approval. There would not be a detrimental impact in respect of visual amenity, and given the distance to the closest residents no third party would be disadvantaged in any way from the proposed revisions. The overall number of units proposed will remain as previously approved.

Taking into consideration the above the changes proposed to planning permission 19/00032/FUL, the revised scheme will not result in a significant change to the overall development. 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 17/02055/FUL.

## **6. Recommendation**

Approval Non Material Amendment

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing number 40006\_06\_170\_01 'Sandpaper Gardens - Base Drawing', Drawing number 240006\_06\_170\_01 'Sandpaper Gardens - Base Drawing with Marked Water Main' and 'Sandpaper Gardens - Plant List'.

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

## **8. Informatives**

N/A