

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/09/2022
Planning Development Manager authorisation:	JPG	16/9/2022
Technician final check and despatch:	CC	16.09.2022

Application: 22/01406/NMA **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Colin James - Penguin Random House UK

Address: The Book Service Colchester Road Frating

Development: Non-material amendments sought for application 21/01825/VOC (as amended by 22/00679/NMA). Amendments to the location of the proposed external door positions to the perimeter of the warehouse, installation of new LV Transformer and one new additional level access door.

1. Town / Parish Council

No comments required.

2. Consultation Responses

No consultations required.

3. Planning History

91/00821/OUT	Business Park comprising approximately 400,000 sq ft of Classes B1, B2 and B8 uses and access to Colchester Road and off site sewer works.	Approved	11.04.1994
95/01166/DETAIL	Distribution facility for 24 hour operation comprising principally goods receipt and despatch, storage, order processing, together with loading/unloading facilities, ancillary office accommodation and car parking.	Approved	18.01.1996
96/00845/FUL	Distribution facility for 24 hour operation comprising principally goods receipt and dispatch, storage, order processing, together with loading/unloading facilities, ancillary office accommodation and car parking.	Approved	06.08.1996
97/00844/ADV	(The Book Service Ltd., Distribution Centre, Land north of Colchester Road, Great Bentley) Signage on north and east elevations	Approved	28.08.1997
97/00845/FUL	() Application for CCTV mast installations, revised office canopies, flag pole installation and a stand-by generator exhaust	Approved	28.08.1997

	flue to control room all as a variation to planning permission TEN/95/1166/D		
97/00846/FUL	() Use of wildflower meadow north of building to be mown and used occasionally as a football pitch (part variation to condition 3 imposed upon planning permission TEN/95/1166)	Refused	28.08.1997
99/01768/FUL	Modular building 9m x 12m, to provide extension to existing canteen	Approved	10.02.2000
05/00837/FUL	Variation of condition 1 of planning permission 00/01479 .	Approved	15.07.2005
06/00926/FUL	Proposed communication equipment enclosure.	Approved	26.07.2006
07/01973/ADV	2 x high level, externally illuminated signs. Dimension: 8000mm x 3800mm.	Approved	
08/00179/ADV	Erection of 2 no. high level externally illuminated signs (signs 20 and 21).	Refused	11.04.2008
08/01124/ADV	Retention of 2 no. signs (signs 20 and 21).	Approved	16.10.2008
09/00188/TELCO M	Free standing pole mount on roof of building.	Current	10.03.2009
10/00776/FUL	Variation of Condition 1 of planning permission 00/01479/FUL (extension of time of previously approved application 05/00837/FUL).	Approved	05.10.2010
14/00059/FUL	Proposed car parking to provide 100 additional bays including the removal and relocation of a number of existing young trees to facilitate the parking.	Approved	18.03.2014
14/00462/DISCON	Discharge of conditions 03 (Biodiversity) and 04 (Lighting Columns) of approved application 14/00059/FUL.	Approved	25.04.2014
16/01627/FUL	Proposed car parking to provide 39 additional bays.	Approved	08.12.2016
17/00649/FUL	Proposed installation of security gatehouse and barrier.	Approved	14.07.2017

17/00650/FUL	Proposed single storey extension and internal rearrangement to existing canteen.	Approved	14.07.2017
17/00651/FUL	Proposed single storey extension to existing toilet block including addition of a disabled WC.	Approved	13.07.2017
17/00652/FUL	Single storey extension to reception area, removal of existing internal lobby space and installation of turnstiles.	Approved	13.07.2017
17/00988/FUL	Proposed temporary external office accommodation comprising of 6 modules fixed together.	Approved	14.09.2017
17/01635/FUL	Proposed single storey extension.	Approved	29.11.2017
18/00751/FUL	Proposed in filled area creating a three-sided enclosure underneath part of the existing canopy, to create temporary, short term holding space for palletised stock.	Approved	10.08.2018
19/30130/PREAPP	Proposed extensions to existing warehouse.		10.09.2019
19/01766/NDPNOT	Proposed solar photovoltaic system situated on the roof of distribution centre.	Determination	13.01.2020
00/01479/FUL	Expansion of facility comprising additional 5870m2 high bay warehouse, additional 2790m2 low bay warehouse, additional 1534m2 offices, additional 191m2 staff facilities, new service yard and access road Approved 27.06.2001	Approved	27.6.2001
01/00512/FUL	Extension to office/staff facilities	Approved	18.06.2001
21/00719/FUL	Proposed extension to existing B8 warehouse to provide additional warehouse space, new marshalling pod with associated loading bay, service yard, access roadway, fire access track, sprinkler tanks and peripheral soft landscaping.	Approved	21.10.2021
21/01825/VOC	Variation of condition 2 (approved plans) of application 21/00719/FUL to change the height of the approved low bay extension (9.0m) to be in line with the approved high bay extension (20.5m) to meet the changing needs of the business.	Approved	20.12.2021

22/00123/DISCON	Discharge of condition 7 (Tree care plan) of application 21/01825/VOC.	Approved	08.02.2022
22/00124/DISCON	Discharge of condition 5 (Wheel washing facilities) of application 21/01825/VOC.	Approved	07.03.2022
22/00125/DISCON	Discharge of condition 4 (Construction traffic route plan) of application 21/01825/VOC.	Approved	01.03.2022
22/00126/DISCON	Discharge of condition 3 (construction environmental management plan) of application 21/01825/VOC.	Approved	11.03.2022
22/00421/DISCON	Discharge of condition 17 (Assessment of the effect of proposed external lighting on wildlife) of application 21/01825/VOC.	Approved	18.08.2022
22/00422/DISCON	Discharge of condition 8 (Details of the external cladding and the colour scheme) of application 21/01825/VOC.	Approved	12.04.2022
22/00423/DISCON	Discharge of condition 11 (Scheme for the installation of solar photovoltaic panels and electric vehicle charging points) of application 21/01825/VOC.	Approved	12.04.2022
22/00424/DISCON	Discharge of condition 10 (Biodiversity enhancement strategy) of application 21/01825/VOC.	Approved	05.07.2022
22/00439/DISCON	Discharge of condition 18 (Landscaping Scheme) of application 21/01825/VOC.	Approved	12.04.2022
22/00450/DISCON	Discharge of condition 16a (Programme of archaeological trial trenching) of application 21/01667/VOC.	Approved	22.04.2022
22/00493/DISCON	Discharge of condition 9 (SuDS Scheme) of application 21/01825/VOC.	Approved	10.06.2022
22/00679/NMA	Non-material amendment to application 21/01825/VOC for the amendments to the location of the proposed roof mounted AHU and alterations to the southern elevation roof junctions.	Approved	17.05.2022
22/00737/DISCON	Discharge of conditions 12A (Footway west of the existing site	Approved	13.06.2022

access shall, where feasible, be widened and resurfaced, to a maximum width of 2 metres for a distance of approximately 41 metres) and 12B (Upgrade and/or relocation of the nearest bus stop on the east side of the junction to the site which would best serve the development, to include new pole, flag, timetable, and 5m of raised kerb) of planning permission 21/01825/VOC.

22/00869/FUL	Proposed erection of a marquee which will be in place for longer than 28 days and is over 100 square metres.	Approved	02.08.2022
22/01448/DISCON	Discharge of condition 15 (Workplace Travel Plan) of application 21/01825/VOC.	Current	

4. Relevant Policies / Government Guidance

Not applicable.

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 (including Site Description and Proposal)

Overview and Main Considerations

Section 96A of the Town and Country Planning Act allows 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?

Relevant History

The development was originally approved under planning application reference number 21/00719/FUL for the proposed extension to the existing B8 warehouse to provide additional warehouse space, new marshalling pod with associated loading bay, service yard, access roadway,

fire access track, sprinkler tanks and peripheral soft landscaping. The application was approved on 21.10.2021.

Subsequently application 21/01825/VOC sought the variation of condition 2 (approved plans) of application 21/00719/FUL to change the height of the approved low bay extension (9.0m) to be in line with the approved high bay extension (20.5m) to meet the changing needs of the business. This application was approved on 20.12.21.

A non-material amendment application was also subsequently approved under reference 22/00679/NMA securing amendments to the location of the proposed roof mounted AHU (air handling unit) and alterations to the southern elevation roof junctions as approved under 21/01825/VOC.

This non-material amendment seeks amendments to the location of the proposed external door positions to the perimeter of the warehouse, the installation of new LV Transformer and one new additional level access door.

Proposed Amendment

This application seeks amendments to the development approved under 21/01825/VOC (as varied by 22/00679/NMA) as follows:

Drawing number subject of amendments:

Old plan/drawing numbers of 21/01825/VOC:	New plan/drawing numbers:
P0103 E Site Layout Plan	19107_P0203A_Proposed Site Layout
P0205 A Proposed Floor Plan	19107_P0205B_Proposed Building Plan
P0209 A Proposed Elevations	19107_P0209C_Proposed Elevations

Summary of amendments:

- An additional external level access door is required to the north elevation for irregular maintenance access and replacement of the equipment;
- Relocation of personnel fire escape doors to minimise travel distance for means of escape; and,
- Installation of new LV Transformer to provide additional capacity for installation of mechanised plant.

Assessment

The degree of change proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed amendments would not result in any additional impact or harm to visual amenity. As such, no third parties would be disadvantaged in any way because of the proposed alterations.

Therefore, officers are satisfied that the proposed amendments fall under the considerations set out within Section 96A of the Town and Country Planning Act and are considered as a non-material amendment to the approved permission reference 21/01825/VOC.

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 21/01825/VOC.

6. Recommendation

Approval Non-material Amendment

7. Conditions

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

19107 P0203 A Proposed Site Layout Plan (superseding P0103 E)
19107 P0205 B Proposed Building Plan (superseding P0205 A)
19107 P0209 C Proposed Elevations (superseding P0209 A and P0209 B)

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

8. Informatives

Non-Material Amendment Informative

You are advised that this decision is for minor amendments only and should be read in conjunction with the decision notice for application 21/01825/VOC (varied by reference 22/00679/NMA and originally approved under planning application reference 21/00719/FUL) which will contain a number of conditions and informatives that still apply. Any original conditions that refer to previously approved plans should be read in conjunction with the corresponding updated plans and information forming part of this Non-material Amendment Application.

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