

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AN	01/06/23
Planning Manager / Team Leader authorisation:	ML	01/06/2023
Planning Technician final checks and despatch:	CC	01.06.2023

Application: 23/00485/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Anna Salo - Taylor Wimpey London

Address: Former Martello Caravan Park Kirby Road Walton On The Naze

Development: Non Material Amendment to application reference 15/01714/FUL for change to approved tree species. Installation of hoop top railings to play area, installation of knee-high railing by the parking bays adjacent to the open space, benches, and litter and dog litter bins.

1. Town / Parish Council

None received

2. Consultation Responses

3. Relevant Planning History

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
14/01837/FUL	The re-profiling of ground levels in the south west section of Martello site to facilitate future development.	Withdrawn	05.06.2015
15/00630/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
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	Approved	04.10.2016

14/01303/FUL.

16/00997/FUL	Implementation of a new sub station to cater for wider site redevelopment proposals.	Approved	31.08.2016
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
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017
17/02013/DISCON	Discharge of condition 11 (Boundary Treatment) of approved planning permission 15/01714/FUL.	Approved	12.12.2017
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
18/01297/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
18/01781/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
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
20/00431/FUL	Proposed installation of an equipped area of play.	Approved	13.07.2020
23/00043/DOVO5	Deed of variation, under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, of the terms of the legal agreement dated 2nd November 2016 linked to planning permission 15/01714/FUL, to change the definition of healthcare contribution purposes under Schedule 4 of the S106 as requested by the NHS.	Current	

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 (including Site Description and Proposal)

This is an application for a Non-Material Amendment (NMA). Section 96A of the Town and County Planning Act 1990 says in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted. The Planning Practice Guidance confirms there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.

The key test as to the acceptability of an NMA application is whether the change is material to any development plan policy. The changes proposed are minor and not material to any development plan policy. Then three further tests should be applied:

1. Is the proposed change significant in terms of its scale, 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?

Proposal

Non Material Amendment to application reference 15/01714/FUL for change to approved tree species. Installation of hoop top railings to play area, installation of knee-high railing by the parking bays adjacent to the open space, benches, and litter and dog litter bins.

15/01714/FUL approved 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.

The application as originally submitted also requested an NMA to 20/00431/FUL (which approved the play area within the approved open space) but it was confirmed this needs to be submitted as a separate NMA application.

Assessment

The proposed changes to this planning permission for 216 dwellings (complete and occupied) are very minor comprising changes to the approved tree species which do not materially affect the quality or quantity of the approved planting; new 1.2-1.5m high galvanised metal hoop top railings enclosing the approved play area; new 600mm high timber rail around parking areas and grass verges/edge of public open space; new litter and dog bins to areas of public open space; and two new benches next to the play area;

All works are sufficiently separated from dwellings to prevent any material harm to amenity and are considered acceptable in terms of visual amenity.

There were no objections to these specific elements of the approved development and no representations received to this NMA application. The interests of any third party or body who participated in, or were informed of, the original decision would not therefore be disadvantaged in any way.

6. Recommendation

Approval Non Material Amendment

7. Conditions

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved drawings are drawing numbers 15.1807.20 L, 15.1807.21 K, 15.1807.23 H, 15.1807.24 E, 15.1807.25 F, 15.1807.27 K, 15.1807.28 K and 19.4056.01 C.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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 15/01714/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.

Separate planning permission 20/00431/FUL approved the play area within the approved area of public open space.

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