

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	4/6/18
Planning Development Manager authorisation:	SCE	06.06.18
Admin checks / despatch completed	PW	7/6/18

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Application: 18/00593/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Blishen

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

Development: Non-material amendment to 15/01714/FUL - Minor adjustment to the position of dwellings 1-91, associated parking and roads.

1. Town / Parish Council

Frinton & Walton Town Council Noted

2. Consultation Responses

3. Relevant Planning History

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
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	
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017

4. Relevant Policies / Government Guidance

N/a

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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 15/01714/FUL to alter the position of dwellings 1-91, associated parking and roads.

Post planning further consultation with Highways confirmed that some of the junctions and road alignments did not meet adoptable standards. This has resulted in the need to reposition some of the approved dwellings and their associated garages and boundaries. The submitted plans confirm that the changes are very minor and would comply with all three of the above tests. Any impact on private amenity space provision is very small with no material conflict with development plan policy. Conditions discharged have been based on this amended layout so do not require further adjustment.

Taking all the relevant issues into account it is considered that the alterations proposed to planning permission 15/01714/FUL will not result in any material change to the external appearance of the

dwellings or 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 to the approved plans attached to 15/01714/FUL.

6. Recommendation

Approval Non Material Amendment

7. Conditions

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

- o 15/019/001 Site Location Plan
- o 20872-ARC-3010 Rev C5
- o 15/019/003 Street Elevations
- o 15/019/004A Street Elevations
- o 15/019/005A Site Sections
- o 15/019/010A House Type A General Arrangement
- o 15/019/011 House Type A Elevations and Section
- o 15/019/012 House Type B General Arrangement
- o 15/019/013 House Type B Elevations and Section
- o 15/019/014 House Type D General Arrangement
- o 15/019/015 House Type D Elevations (Brick) and Section
- o 15/003/016 House Type D Elevations (Render) and Section
- o 15/003/017 House Type E General Arrangement
- o 15/019/018 House Type E Elevations (Brick) and Section
- o 15/003/019 House Type E Elevations (Render) and Section
- o 15/019/020 House Type F General Arrangement
- o 15/019/021 House Type F Elevations and Section
- o 15/019/022 House Type G General Arrangement
- o 15/019/023 House Type G Elevations (Brick) and Section
- o 15/019/024 House Type G Elevations (Render) and Section
- o 15/019/025 House Type H General Arrangement
- o 15/019/026 House Type H Elevations and Section
- o 15/019/027 House Type J General Arrangement
- o 15/019/028 House Type J Elevations and Section
- o 15/019/029A House Type K General Arrangement
- o 15/019/030A House Type K Elevations (Brick) and Section
- o 15/019/031A House Type K Elevations (Render) and Section
- o 15/019/032A House Type K Elevations (Weatherboard) and Section
- o 15/019/033 House Type L General Arrangement
- o 15/019/034 House Type L Elevations (Brick) and Section
- o 15/019/035 House Type L Elevations (Render) and Section
- o 15/019/036 Plots 207 & 216 (Mirrored) General Arrangement
- o 15/019/037 House Type J Plots 207 & 216 (Mirrored) Elevations (Weatherboarding/Render)
- o 15/019/038 House Type K (Plots 208, 210, 213, 215) General Arrangement
- o 15/019/039A House Type K (Plots 208, 210, 213, 215) Elevations (Brick) and Section
- o 15/019/040 Type N General Arrangement
- o 15/019/41 House Type N Elevations (Render)
- o 15/019/042 House Type M General Arrangement
- o 15/019/043 House Type M Elevations (Weatherboarding)
- o 15/019/044A Carports Plans & Elevations
- o 15/019/045A Single Garage

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

8. Informatives