

P21-2389

5 May 2022

Tendering District Council
Town Hall,
Station Road,
Clacton-on-Sea
Essex,
CO15 1SE

Dear Mr Jaarsma,

Non-material amendment application relating to outline planning permission ref. 19/O1706/OUT – Land South West of Horsley Cross Roundabout, Clacton Road, Horsley Cross, CO11 2NZ. Planning Portal Reference: PP-11231359

I am pleased to confirm that a non-material amendment application under section 96A of the Town and Country Planning Act 1990 has been submitted via the planning portal to address a minor increase in building height and floorspace to what was previously approved under outline planning permission ref 19/O1706/OUT. The height and floorspace were subject to control both within the proposal description and condition 8 of this permission.

Planning Permission Ref. 19/O1706/OUT Proposal Description

Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,117 sqm of B1c / B2 and B8 uses rising to a maximum building height of 12m, together with associated access, landscaping, parking and drainage pond.

Condition 8

No building on the Phase 1 site shall exceed 21.7 metres in height (save for the boiler house flue which may be up to 59.3m in height) and no building on the Phase 2 site shall exceed 12 metres, as measured from the finished site levels immediately adjacent to the building to which it relates.

Reason - In the interests of proper planning; amenity and the character of the area.

Proposed Amendments

It is proposed to amend the original description of development as follows:-

Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,750 sqm

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of B1c / B2 and B8 uses rising to a maximum building height of 13.82m, together with associated access, landscaping, parking and drainage pond.

The proposed amendment to the wording of condition 8 of the outline planning permission is as follows:-

No building on the Phase 1 site shall exceed 21.7 metres in height (save for the boiler house flue which may be up to 59.3m in height) and no building on the Phase 2 site shall exceed 13.82 metres, as measured from the finished site levels immediately adjacent to the building to which it relates.

Justification

The stated amendments are necessary to meet the commercial demands of the future occupiers.

A reserved matters submission relating to the outline planning permission for the detailed design and landscaping of the eastern section of the site, is currently being prepared.

The site layout for the proposed reserved matters application is shown below:-



The reserved matters application will seek approval for the detailed design of 8 units. Those units marked with a star (above) exceed the heights as restricted by the outline planning permission.



The building height schedule relating to the proposed reserved matters submission is below:-

Building	Haunch	Roof Apex.
Unit 1	8m	10.84m
Unit 2	8m	10.66m
Unit 3&4	8m	10.55m
Unit 5	10m	13.53m
Unit 6	10m	13.67m
Unit 10	10m	13.82m
Unit 11	10m	12.54m

Four of the units detailed within the reserved matters submission will exceed the 12m restriction imposed by the outline planning permission, by minimum of 0.54 meters and a maximum of 1.82 meters.

The cross section below provides further context of how the units will appear when viewed from the internal estate road.



Views from the highway network will be further mitigated by the proposed bund and comprehensive landscaping (as indicated on the reserved matters site layout) and the buildings of greater scale will be set at depth within the site, to the rear of the buildings to the site frontage. Furthermore, resultant of the increase in ground level to the east, views of the buildings will be limited when viewed in this context, from the highway further east.

The second matter requiring amendment relates to the consented floor area. The description of the outline planning permission limits floorspace on the eastern half of the site to 18,117 sqm – there is no specific justification within the permission as to why this is the case. The floor area proposed under the forthcoming reserved matters application is 18,630 sqm. As illustrated by the above reserved matters layout, it is clear that the additional floorspace will not result in over-development of the site.

In relation to both the increased height of four of the eleven consented units and the increased floor area, when considered in the context of the overall outline planning permission, it is contended that these matters are non-material and as such can be dealt with through an amendment to the description of development and to the wording of condition 8 of the outline consent.



Based on the considerable size of the site and the footprints of the units approved , when the scheme is considered as a whole, the marginal increase in the height of four units and the increased floor space will not be apparent.

When appraising the impacts of these changes against the applicable planning policy, it is clear that they would not result in any further material harm in terms of landscape character or appearance, or any other harm and as such, would be policy compliant. This matter alone confirms that the proposed changes can be considered as non-material.

Please let me know if you require any further details or justification in support of the changes proposed.

Kind regards,

Eleanor Overton



Associate Planner

Enc.