

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|----------|
| File completed and officer recommendation: | MP | 25/07/18 |
| Planning Development Manager authorisation: | AN | 30/7/18 |
| Admin checks / despatch completed | PW | 31/7/18 |

ER

Application: 18/00880/FUL **Town / Parish:** Alresford Parish Council
Applicant: Mr J Gibbon
Address: Land off Ford Lane Alresford Essex
Development: Erection of 1.8m high fence and gates at the entrance to the angling lakes from Ford Lane and 45m of resurfaced track leading down to the car parking area (retention of).

1. Town / Parish Council

Alresford Parish Council

Alresford Parish Council object to this application for the following reasons:

The application description is misleading and incomplete: ie, what is the nature of this fence, whilst no reference has been made regarding the gates, which are already installed?

From a literal reading of the application it would seem that the fence on site is a temporary one, as the application seeks approval for a replacement. But an inspection of the site shows that this is clearly not the case.

On site it is also clear that the track "resurfacing" has already been completed, whilst the reference to 45 metres is meaningless as it is a brand new track of at least 150m leading to the existing car park.

APC Planning Committee understand that this is a designated conservation area for wildlife, but the new track will undoubtedly disturb existing species, such as the sand martins that nest on the banks of the lakes.

In summary the application description is false and misleading and omits at least one key element (i.e. the gates) already in place. Therefore it is the considered opinion of APC that the application is invalid and should not be determined in its current form. We would, of course, welcome the opportunity to reconsider the situation on this site via a suitably worded application for the "retention" of all works as carried out already.

2. Consultation Responses

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

| | | |
|---------------|---|------------|
| 00/01021/LUEX | Certificate of Lawful Use claimed - storage of logs and the burning of some brushwood | 29.08.2001 |
|---------------|---|------------|

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL3 The Rural Landscape

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in

relation to Section 1 have been resolved. 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 48 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

Site Description

The application site is land off Ford Lane within the Parish of Alresford in relation to the nearby angling lakes. The site is located within a predominantly rural area, with large areas of agricultural and grassed land to all sides. To the south-east lies a large watercourse, whilst to the south-west is some urban built form in relation to the adjacent quarry. A single residential dwelling is sited to the north-west. The site falls outside of a recognised Settlement Development Boundary in both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. To the north-west is a Public Right of Way running east to west.

Description of Proposal

This application seeks retrospective planning permission for the erection of a new fence to ensure trespassers are unable to access the site. The fence measures 40m in length, including a 6m wide double leaf matching gate, 1.8m in height and is painted green.

The application also seeks retrospective planning permission for a 45m stretch of resurfaced track which meets the recently installed bell mouth entrance with Ford Lane (which itself does not require planning permission and therefore does not form part of the determination of this application). The access road leads to the existing car parking area to the east.

Assessment

The main elements of assessment for this proposal are the visual impact and highways impacts.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed fencing lies adjacent to Ford Lane and is therefore highly visible from the street scene. The proposed access is less visible as it is further set back. However, despite the fencing being prominent it has been designed to be painted holly green, which helps to assimilate it within its rural surroundings. Further it is a visual improvement to the previous fencing, which consisted of concrete posts linked by wire fencing, and additional barbed wire. The proposed access road connects to the existing bell mouth entrance and is therefore in-keeping, providing a small enhancement to the previous unmade track.

Therefore there is not considered to be any significant visual harm as a result of the works.

Highways Impacts

Essex County Council as the Highways Authority has been consulted and has raised no objections.

Other Considerations

Alresford Parish Council objects to the application for the following reasons:

1. The gates and track have already been installed; (Addressed in the main body of the report)
2. The application would suggest it is temporary, however an inspection of the site shows this is not the case; and (The application form makes no mention that the proposal is temporary)
3. Impacts to species. (Whilst the site is rural in nature, there is not significant vegetation to suggest a habitat survey would be necessary).

There has been one letter of objection received, with the following concerns;

1. The gates and bell mouth entrance not in the description; and (Addressed in the main body of the report)
2. Too much speeding down Ford Lane and increase in traffic. (Highways have not objected)

Conclusion

In the absence of any significant material harm as a result of the retrospective development, the application is recommended for approval.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Block Plan', 'Location Plan' and the untitled covering letter.

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.