

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	4/1/19
Planning Development Manager authorisation:	SCE	04.01.19
Admin checks / despatch completed	SL	04/01/19.

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Application: 18/01771/FUL **Town / Parish:** Manningtree Town Council
Applicant: Mr Daniel Steggles
Address: 63 Maltings Wharf Manningtree Essex
Development: Retrospective planning permission for fencing.

1. Town / Parish Council

Manningtree Town Council No comments received.

2. Consultation Responses

n/a

3. Planning History

95/00164/FUL	Proposed extension to first floor balcony	Approved	28.03.1995
18/01771/FUL	Retrospective planning permission for fencing.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

The application seeks retrospective planning permission for a trellis fence to the side of a property within a conservation area. Planning permission is required because permitted development rights were removed by condition 6 of planning permission TEN/673/86.

Design and Impact on the Conservation Area

The trellis style fence is sited to the east side of the property, and is set back from the front elevation of the house. It is not a prominent feature, and is screened from the west by the dwelling. The design is not out of keeping with the character of the dwelling and its immediate surroundings, and the fence is only visible from within the private road serving Maltings Wharf. The design is considered to be acceptable, and there is a neutral impact on the surrounding area. The fence maintains the character of the conservation area.

Impact on Neighbours

The proposal is a minor addition, and due to its trellis like design will not block significant amounts of light. It will not impact neighbouring privacy, outlook or daylight.

Other Considerations

Manningtree Town Council has made no comment on the application.

One letter of objection has been received from a neighbouring property, raising the following concerns:

- Not visually in keeping/unbalanced
 - The visual impact has been assessed above, and it is considered that due to the minor nature of the fence there is a neutral impact on the visual amenity of the surrounding area.
- Right of access over the land to be enclosed
 - Right of way is a civil matter, and is not a material planning consideration.

- Dog kennels being kept under the balcony - noisy/unhygienic
 - This is not a material planning consideration, and should be discussed with Environmental Services.

Conclusion

In the absence of material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 No conditions.

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.