

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	11/03/2020
Planning Development Manager authorisation:	TF	11/03/2020
Admin checks / despatch completed	CC	11/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	11/3/2020

Application: 19/01884/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Paul O'Kane

Address: 19 Munnings Drive Clacton On Sea Essex

Development: Proposed 6' boundary fence to rear and side.

1. Town / Parish Council

n/a

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed fence must be set back from the back of the existing footway by a minimum of 0.5 metres and any visibility splay.

Reason: To provide a 'no build zone' for any future maintenance to the existing footway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: The applicant should apply for a new vehicular access within Dupont Close adjacent to no. 2 Dupont Close as the introduction of the proposed fence will prevent the existing vehicular access for 19 Munnings Drive from being used. The application would not require planning permission but would require an application being made to Essex Highways; details on the criteria and process can be obtained via the below link: <https://www.essexhighways.org/for-residents/vehicle-crossings-dropped-kerbs.aspx>

2: On the completion of the works, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: 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

19/01884/FUL Proposed 6' boundary fence to rear Current
and side.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
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

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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

This application seeks retrospective planning permission for a new 1.8 metre (6 foot) high boundary fence to the rear and side garden of 19 Munnings Drive which is located within the settlement development boundary of Clacton on Sea. The original proposal has been amended during the course of the planning application which includes setting back the fencing by 1 metre from the path edge along Munnings Drive while incorporating shrubs in the interests of visual amenity.

Assessment

The main considerations of this application will be the visual impact and the impact on highway safety.

Design and Appearance

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 original side boundary wall was set back from the path of Munnings Drive by 2.5 metres at the end nearest the detached garage and 5 metres at the end closest to the front door of the dwelling. The proposed fencing will reduce the openness currently enjoyed on this corner plot, however the improved proposal which sets the new fencing back from Munnings Drive by 1 metre and includes the planting of Laurel shrubs along the boundary helping to assimilate the fence in this residential area. The proposed fencing and revised planting scheme will not cause any significant visual harm on the appearance of Munnings Drive.

Highway Safety

The Highway Authority has assessed the proposal and finds it acceptable subject to mitigation of setting the fencing back by a minimum of 0.5 metres. The fencing will be set back by 1 metre from Munnings Drive and a small section will abut the footpath which leads from Munnings Drive to Cotman Road which is not considered to be detrimental to the footpath given the boundary treatments evident along this footpath.

The existing detached garage does not meet the parking standards where a single garage should measure 7 metres x 3 metres, and the driveway in front of the garage also fails to meet the current standard for a car parking space which should measure 5.5 metres x 2.9 metres which ensures enclosing these spaces would not be detrimental to the off road parking provision. New parking provision will be provided in front of the dwelling adjacent to Dupont Close and allows for two cars to park off the road which meet the car parking standards. There is currently no dropped kerb

which allows vehicular access to the area proposed for car parking and an application for a new vehicular access should be made to Essex Highways.

Other Considerations

No letters of representation have been received.

Conclusion

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

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed side elevation and Proposed new boundary received 7th March 2020.

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

- 2 The fence hereby approved shown on drawings of the Proposed side elevation and Proposed new boundary received 7th March 2020 must be provided within 3 months of the date of this decision, maintained and retained in perpetuity.

Reason - In the interests of visual amenity.

- 3 The development shall be carried out in accordance with the details shown on the Proposed side elevation and Proposed new boundary received 7th March 2020. Any trees or shrubs, which within a period of 5 years of being planted, die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

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