

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	11/05/2020
Planning Development Manager authorisation:	TF	11/05/2020
Admin checks / despatch completed	CC	11/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	11/05/20

Application: 20/00255/FUL

Town / Parish: Lawford Parish Council

Applicant:



Address: Winfield Garden City Harwich Road

Development: Proposed double gates (5-6 feet high) and railings (4 foot high) to front of property.

1. Town / Parish Council

Lawford Parish Council
15.04.2020

Council has no objection to this application

2. Consultation Responses

ECC Highways Dept
14.04.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The dwelling is located off a side road that is subject to a 30-mph speed limit and serves several properties and runs parallel to Harwich Road therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained and provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. The proposed gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/ verge or where no provision is present, the carriageway.

Reason: In the interest of highway safety in accordance with policy DM1.

3. Prior to commencement of the work, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the

construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are 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: Prior to any works commencing on site it would be advisable for the applicant to check the extent of the publicly maintainable highway at the front of the property to ensure that the boundary feature does not encroach onto the Highway. Official Highway Status search plans can be obtained from: Highway.Status@essexhighways.org for ease of reference they need to know the extent/location/ street name and post code to assist with a search.

2: On the completion of the Development, 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

16/01989/FUL	Proposed two-storey rear extension, and conversion of detached garage into an office, which will see the overall height increase.	Approved	06.03.2017
20/00255/FUL	Proposed double gates (5-6 feet high) and railings (4 foot high) to front of property.	Current	

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

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 planning permission for double entrance gates and railings at the front of the property. The application site is located outside of any settlement development boundary.

Design and Appearance

The proposed fencing, made of galvanised steel, powder coated in black will be 1.22 metres in height. The nature of the fencing will allow you to see the Laurel hedging which will sit behind the fence. The fencing will be set back from the Garden City road to allow the grass verge to remain intact. The proposed entrance gates elicit a curved design and also by their nature do not completely screen the property and allow for views through them. The gates will be a maximum of 1.82 metres in height at the centre point decreasing to 1.52 metres at each side. The gates will be set back from the front boundary by 1.5 metres ensuring that there is no significant impact to the street scene. A variety of front boundary treatments is evident along the road of the Garden City and the proposed fencing and gate will not cause any significant visual harm to the existing dwelling or the immediate area.

Impact on neighbouring amenities

Due to the position of and design of the gates and fencing there will be no significant impact to existing amenities of neighbouring properties in terms of loss of light, privacy or outlook.

Highway Safety

The proposal is acceptable to the Highway Authority subject to conditions pertaining: to pedestrian visibility splays; distance of the gates from the highway; the gates should be inward opening only; and, the reception and storage of materials.

The position of the fencing allows for the pedestrian visibility splay. There are no changes proposed on the eastern side of the entrance adjacent to the neighbour of White House.

Other Considerations

Lawford Parish Council has no objection to the planning application.

No other 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 begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan 1:500, Gate Specifications, Proposed Elevations and Rail Specifications all received on 16 March 2020.

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

- 3 A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained and provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 4 The proposed gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/ verge or where no provision is present, the carriageway.

Reason - In the interest of highway safety

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.

Highways Informative

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Prior to any works commencing on site it would be advisable for the applicant to check the extent of the publicly maintainable highway at the front of the property to ensure that the boundary feature does not encroach onto the Highway. Official Highway Status search plans can be obtained from: Highway.Status@essexhighways.org for ease of reference they need to know the extent/location/ street name and post code to assist with a search.

On the completion of the Development, 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.

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,
853 The Crescent,
Colchester
CO4 9YQ

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