

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	6 th May 2021
Planning Development Manager authorisation:	SCE	11.05.2021
Admin checks / despatch completed	ER	12/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.05.2021

Application: 21/00527/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr and Mrs Currell

Address: The Oakes Thorpe Road Weeley

Development: Proposed construction of new brick built gateway, provision of replacement fencing and planting to frontage

1. Town / Parish Council

Mrs Nicola Baker
05.05.2021

Weeley Parish Council has no comment to make on this application

2. Consultation Responses

ECC Highways Dept

3. Planning History

16/01245/OUT	Outline planning application with all matters reserved for the construction of 2 detached dwellings.	Approved	03.10.2016
17/00843/FUL	Proposed development of 3 detached dwellings (2 as previously approved under application 16/01245/OUT and the replacement of Wolver).)	Approved	07.12.2017
21/00527/FUL	Proposed construction of new brick built gateway, provision of replacement fencing and planting to frontage	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL1 Spatial Strategy

- 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) (Section 1 adopted on 26th January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site Description

The property is a detached dwelling, constructed as a result of planning approval 16/01245/OUT, later amended by way of 17/00843/FUL which resulted in a separation of the shared driveway serving Plots 2 (Sycamores) and 3 (The Oakes). The site is outside the Settlement Boundary of Weeley.

The frontage of the properties currently comprises 2m high inwardly-facing close-boarded timber fencing and a token level of planting.

Relevant History

The area at the front boundary is protected by way of a landscaping condition (Condition 5) of planning approval 17/00843/FUL stating:-

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

Condition 6 of the same approval states:-

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. 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 enable existing landscaping to be protected and retained in the interests of visual amenity.

Description of Proposal

It is proposed to construct a new wall not exceeding 2.0 metres high to include a pair of automatically-opening timber gates. The proposed gates are to be located in excess of 6m from the edge of the road to enable cars to pull in without hindering traffic flow. The wall will be built in brickwork to match with the existing house and the gates will be constructed in a stained timber. The existing timber fence will be adapted or replaced with a 2.0m high timber close boarded fence. This is set back roughly 2.5 metres from the back edge of the footpath and a new hedge planted in front, effectively screening the timber fence.

The established access into the plot is otherwise unaffected and the existing visibility splays are retained.

Principle

The application site is located outside the settlement development boundary of Weeley in the saved Tendring District Local Plan (2007) but within in the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The inclusion of the site within the SDB of the emerging plan represents a significant material planning consideration and demonstrates that it is the Council's intention going forward to release this land for residential purposes.

The Oakes is a relatively-recently constructed dwelling which results from planning approval 17/00843/FUL, the property is labelled as 'Plot 3' on the approved plans. As such the principle of the development has already been accepted.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

There is a long-run of fencing erected less than 1m from the back edge of the pavement. The proposed fence would replicate the existing boundary fence and, due to the irregular relationship between the boundary treatment and the back-edge of the pavement, would be set back 2.5m. The piers and gates would be sited inside the curtilage of the property, a total of 4.5m from the back edge of the pavement. The gates and piers would have a maximum height of 2m. As a result of the existing boundary treatment, little objection can be put forward in regards to the height and siting of the proposed development. Replacing the hedge to the front boundary would still comply with the visual amenity that Conditions 5 and 6 of planning approval 17/00843/FUL seek to protect.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the siting considering forward of the main dwellinghouses and nature of the development it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the

proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The siting of the access is subject of approval 17/00843/FUL. In order to prevent safe access to a site the apron must be a minimum of 6m deep to prevent cars from overhanging on to the highway whilst entering the site; the depth of the apron is 6.6m

Representations

Weeley Parish Council has no comment to make on this application	Noted
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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 plan:- 865/301; received 15th March 2021.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO