

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	14/07/2021
Planning Development Manager authorisation:	JJ	21/07/2021
Admin checks / despatch completed	ER	21/07/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21/07/2021

Application: 21/00686/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Edward Bale

Address: Pear Tree Cottage Clacton Road Horsley Cross

Development: Erection of fence and gate between driveway and rear garden to create enclosed rear garden

1. Town / Parish Council

Manningtree Town
Council
01.07.2021

At its Planning Committee, the Parish Council recommended approval.

2. Consultation Responses

Essex County Council
Heritage
12.07.2021

The application is for erection of fence and gate between driveway and rear garden to create enclosed rear garden - There is no objection to this application.

ECC Highways Dept
05.07.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2021. It is noted that the proposal is to create an enclosed rear garden, with the proposed fence being set well back from the highway and still retaining adequate parking and turning; given these considerations:

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

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

3. Planning History

02/00381/LBC	Removal of staircase (retrospective application)	Approved	26.04.2002
21/00686/FUL	Erection of fence and gate between driveway and rear garden to create enclosed rear garden	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)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
EN23 Development Within the Proximity of a Listed Building
HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)
PPL9 Listed Buildings

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. 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 adopted 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 (including Site Description and Proposal)

Application Site

The application site comprises of a two storey dwelling with existing access and parking to the side. The existing site benefits from a selection of outbuildings visible from the road. There is a low boundary wall and gate along the front boundary. The sites garden is open at the front with no means of enclosure. The house itself is a Grade II listed building.

Proposal

This application seeks permission for erection of fence and gate between driveway and rear garden to create enclosed rear garden.

Assessment

Design and Appearance and Heritage

The proposed will be a noticeable change to the site as it will fill in an existing area of open space between the outbuildings. However the proposed fence will be set back from the front boundary of the site and will allow the occupants to enclose their garden space.

The small scale nature of the proposal along with its setting back from the front boundary will allow the proposal to appear appropriately in its setting and will not detract from the character or appearance of the dwelling or area.

The materials use will vary and described as such;

- Timber fencing panels will be introduced and will visible from the road however the plans indicate that planting will be provided in front of these to soften their appearance. A condition will be imposed requesting that this planting is retained.
- 5 Field Bar Gate - Hard Wood with finished in white matt paint will be similar to the existing gate along the front boundary and therefore appropriate to the existing house and countryside setting.
- Wire stock fencing (mesh and iron stakes) and Iron pedestrian gate which are open in design and will therefore maintain the character of the countryside.

The proposal is a minor alteration which will not result in a change to the historic fabric of the dwelling and will be constructed away from the main house preventing it from having a harmful impact to the overall appearance and setting of this listed building.

Essex County Council Heritage have been consulted as part of the application and have no objection to the scheme.

The proposal is therefore an appropriate alteration to the site which would not be detrimental to the appearance and character of the existing dwelling or area.

Impact on Neighbours

The proposal will not result in a loss of residential amenities to the neighbouring dwellings as it is of a small scale nature which will be sited off of shared boundaries and screened by the host dwelling and associated outbuildings.

Highway Safety

The proposal will be significantly set back from the front boundary of the site not result in the disruption of views to users of the highway. The existing parking and access to the site will not change as part of the proposal. The Essex County Council Highways team have been consulted as part of the application and have raised no objection to the scheme. The proposal will therefore not contravene highway safety.

Other Considerations

Manningtree Town Council support the proposal.
No letters of representation have been received.

The Councils Tree and Landscape Officer has been consulted and has stated that no trees or other significant vegetation will be adversely affected by the development proposal.

The fence will be set back from the highway and there will be little public benefit to be gained by any new soft landscaping associated with the development proposal

Conclusion

In the absence of material harm resulting from the proposed development the 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 plan and documents:

Proposed Elevations - 24th May 2021
Proposed Floor Plans - 24th May 2021
Heritage Impact Assessment - 2nd July 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.

Highway Informative:

1: 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.

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