

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	03.02.2022
Planning Development Manager authorisation:	AN	03.02.2022
Admin checks / despatch completed	DB	03.02.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	03/02/2022

Application: 21/01883/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Paul Burgess

Address: Allotment Gardens Alton Park Road Clacton On Sea

Development: Proposed erection of 2.4 metre fence to boundary.

1. Town / Parish Council

Clacton Non-Parished No Comments Required

2. Consultation Responses

ECC Highways Dept

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

1. Prior to commencement of any works the applicant must request a copy of Highway boundary information, requesting the width of the public footpath 13, this can be obtained from highwayrecords@essexhighways.org

Reason: To ensure that the new fence line does not encroach upon the Public Right of Way or interfere with the passage of users of the Public Right of Way, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

2. The public's rights and ease of passage over public footpath no.13 (Great Clacton_167) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

3. No new boundary planting shall be planted between the new fence line and public footpath no.13.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway 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 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: 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

2: On the completion of the Development, all 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. Planning History

21/01883/FUL	Proposed erection of 2.4 meter fence to boundary.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a 2.4 metre fence to boundary.

Application Site

The application site serves allotment gardens, located to the west of Alton Park Road. The site is located within the development boundary of Clacton on Sea. The allotment gardens are set back from the highway and are accessible from two public right of way paths located to the north and south of the site.

Assessment

Design and Appearance

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. Policies SP1 and SPL 3 of the Tendring District Local Plan 2013-2033 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.

The proposed fence will measure 2.4 metres high, the fencing will be of a palisade metal construction with no gravel boards. The fencing will be erected along the eastern and southern boundaries of the allotment gardens. The site is set back from the highway and largely shielded by existing housing. The fencing will not be visible from the highway, however there is a public right of way running adjacent to the southern boundary of the site, from which the proposal will be visible. Due to the sites location in a largely residential area the fencing will not appear out of character and is not considered to have a significant harmful effect on the visual amenities of the area.

Impact on Residential Amenities

The NPPF, Paragraph 17, 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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed fencing is not considered to be out of character with its locality and does not have any significant harmful effect on residential amenities.

Highway Issues

Essex County Council Highways have been consulted in respect of the application and have stated From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the conditions implemented below 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.

The proposal is therefore considered acceptable in terms of highway safety.

Other Considerations

Clacton is non-parished and therefore no comments are required.

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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;

Block Plan with Fence line in Red - Scanned 01 Nov 2021

Fence Detailed - Scanned 06 December 2021

Image of Proposed Fencing - Scanned 27 Jan 2022

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

- 3 Development must not encroach upon public footpath no. 13 (Great Clacton_167). A copy of Highway boundary information, requesting the width of the public footpath 13, must be obtained from highwayrecords@essexhighways.org

Reason - To ensure that the new fence line does not encroach upon the Public Right of Way or interfere with the passage of users of the Public Right of Way, to preserve the integrity of the highway and in the interests of highway safety ~~and in accordance with Policy DM1.~~

- 4 The public's rights and ease of passage over public footpath no.13 (Great Clacton_167) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 5 No new boundary planting shall be planted between the new fence line and public footpath no.13.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests 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 Informatives:

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

On the completion of the Development, all 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.

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