

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	07.09.2023
Planning Manager / Team Leader authorisation:	JJ	08/09/2023
Planning Technician final checks and despatch:	ER	08/09/2023

**Application:** 23/00898/FULHH                      **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Richard Miller

**Address:** 20 Longfields St Osyth Clacton On Sea

**Development:** Proposed erection of 1.8m fence and double gate to open garden to side of property facing Stanmore Way.

### 1. Town / Parish Council

Mr Parish Clerk St Osyth  
Parish Council                      No objections.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

23/00898/FULHH      Proposed erection of 1.8m fence      Current  
and double gate to open garden to  
side of property facing Stanmore  
Way.

### 4. Relevant Policies / Government Guidance

NATIONAL:  
National Planning Policy Framework July 2021 (NPPF)  
National Planning Practice Guidance (NPPG)

LOCAL:  
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic  
Section 1 Plan (adopted January 2021):  
SP1    Presumption in Favour of Sustainable Development  
SP7    Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):  
SPL1   Managing Growth  
SPL3   Sustainable Design

LP3 Housing Density and Standards  
LP4 Housing Layout

Supplementary Planning Guidance:  
Essex Design Guide

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Application Site**

The application site serves a detached dwelling located on a corner plot to the north of Longfields and to the west of Stanmore Way. The site is located within the settlement development boundary of St Osyth, as defined by the Tendring District Council Local Plan.

### **Proposal**

This application seeks permission for the erection of a 1.8m fence and double gate to open garden to side of property facing Stanmore Way.

### **Assessment**

#### **Design and Appearance**

A significant part of the sites garden is very exposed being located on this corner plot. The proposed fencing will be visible from the public views of Stanmore Way and Longfields. However, the fencing is considered to be of an appropriate scale and is set back from the highway, it therefore will not appear overly dominant within the area.

The fencing will be constructed using closed board fencing set in concrete posts and gravel boards, with a double gate. Fencing of this type can be seen throughout the area. Laurel hedging will be planted along the full length and width of the proposed fencing as to lessen any harmful impacts on visual amenities. The proposal is considered to be of an acceptable design and appearance with no significant adverse effects on the visual amenity of the area.

#### **Impacts on Residential Amenities**

The proposed fencing is located an adequate distance from the neighbouring dwellings as to have no impact on the loss of light.

The fencing will cause no other harm to residential amenities.

#### **Other Considerations**

The proposal has no impact on the parking provisions at the site.

St Osyth Parish Council have no objections to the proposal.

No other letters of representation have been received.

### Conclusion

The proposed development is consistent with the above-mentioned National and local planning policies. In the absence of material harm the proposal is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Site Plan - Received 17.07.2023

Block Plan - Received 17.07.2023

Proposed Front Elevation - 17.07.2023

Proposed Rear Elevation - 17.07.2023

Proposed Side Elevation - 17.07.2023

Drawing Showing Laurel Hedging - Received 26.06.2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved,

unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## 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.

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