

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	30.01.25
EIA Development - Notify Planning Casework Unit of Decision	NO	
Team Leader authorisation / sign off:	ML	31/01/2025
Assistant Planner final checks and despatch:	ER	31/01/2025

Application: 24/01785/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Timothy Bichara - Bannerchoice Developments Ltd

Address: Crossways Wignall Street Lawford

Development: Planning Application - Erection of a 1.2M high fence.

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council has no comment on this application.

2. Consultation Responses

N/A

3. Planning History

20/00768/FUL	Erection of 2 no. 3 bedroom detached dwellings including new access.	Approved	12.01.2021
21/00254/FUL	Variation of Condition 8 (Visibility Splay) of Approved Planning Permission ref: 20/00768/FUL (Erection of 2 no. 3 bedroom detached dwellings including new access.). Amendments to site visibility splay to ensure achievable access.	Approved	19.04.2021
22/01646/DISCON	Discharge of conditions 3 (Landscaping Scheme), 7 (Archaeology) and 17 (CMS) of application 21/00254/FUL.	Approved	08.12.2022
22/01707/DISCON	Discharge of condition 7 (Written Scheme of Investigation) of application 20/00768/FUL.		14.10.2022
22/01893/FULHH	Proposed single storey rear extension.	Approved	20.01.2023
22/01984/FUL	Proposed 2no. dwellings with associated landscaping and parking.	Approved	23.06.2023
23/00349/NMA	Non Material Amendment to application reference 22/01893/FULHH for proposed changes to window positions and sizes on rear elevation, back door moved from side to rear elevation and existing window on side elevation replaced with door.	Approved	22.03.2023

23/00536/FULHH	Proposed 2no dormer windows to the rear elevation	Approved	20.07.2023
23/01157/DISCON	Discharge of condition 3 (Materials) and 4 (Hard and Soft Landscaping) of application 22/01984/FUL.	Approved	28.09.2023
23/01200/NMA	Non Material Amendment to application reference 22/01984/FUL to raise all first floor windows to both houses by 150mm, change patio doors to bifold doors and add kitchen window to East house type, change both patio doorsets to bifold doors to West house type and dormer where applicable adjusted slightly to suit windows.	Approved	03.10.2023
23/01316/NMA	Non Material Amendment to application reference 23/00536/FULHH to change from pitched roof dormers to flat roofs. The position of the top of the dormer remains the same, but the window pane of the dormer is shifted up to eye level.	Approved	06.10.2023
23/01472/DISCON	Discharge of condition 3 (windows and doors) of application 22/01893/FULHH.	Approved	08.12.2023
24/00463/NMA	Non Material Amendment to 22/01984/FUL - Erection of 1.2m high white picket fence on land adjacent to the road at the front of this development.	Withdrawn	05.08.2024
24/01784/DISCON	Discharge of conditions application for 22/01984/FUL - Condition 17 (Sustainability/Renewable Energy)	Approved	27.01.2025
24/01785/FUL	Planning Application - Erection of a 1.2M high fence.	Current	

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning

decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

PP8 Conservation Areas

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application site

The application relates to the former side garden of the property known as Crossways, located on the southern side of Wignall Street / Harwich Road within the Parish and Settlement Development Boundary of Lawford. The site also lies within the Lawford Conservation Area. It has been redeveloped for two dwellings under approved reference 22/01984/FUL.

The site has a frontage of approximately 33 metres and an average depth of 38 metres, with some vegetation growth to the perimeter boundaries.

Proposal

This application seeks planning permission for the retention of a 1.2M high fence across the front boundary of the site. Upon inspection the works have already been carried out and therefore this application is retrospective to ensure compliance.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the

Neighbours and Other Considerations.

Design and Appearance

Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy SP7 of the Section 1 Local Plan seeks high standards of urban and architectural design, which respond to local character and context. Policies SPL3 and LP4 of the Section 2 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Furthermore, Policy LP4 of the Section 1 Local Plan states that the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and the character of the area.

PP8 concerns development in conservation areas and outlines that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The proposed picket fence will be visible within the streetscene; however, due to its modest height and open nature it is considered to pose no detrimental harm upon the visual amenities of the area and will be in keeping with the surrounding design. For the reasons given above the fencing would suitably preserve the character and appearance of the conservation area, as this section of Wignall Street comprises of a mixture of front boundary treatments ranging from vegetation to brick walls. Moreover, the fencing is traditional in appearance which ensures it is sympathetic to the historic character of the locality.

Impact on Neighbouring Amenities

Paragraph 135 f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users. Adopted Local Plan Section 1 Policy SP7 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Due to the proposal's siting, modest height and open nature, the proposed fencing is considered to pose no detrimental harm to the amenities of the neighbouring properties.

Other Considerations

Lawford Parish Council raise no objection to the proposals.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not applicable for Biodiversity Net Gain as involves less than 25sqm of habitat.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8. Recommendation

Approval - Full

9. Conditions

1. 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 06.12.24

Photos – Received 05.12.24

Proposed Block Plan – Drawing No. 18121/005HF - Received 05.12.24

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.

10. 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.

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:
<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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
Has there been a declaration of interest made on this application?	YES	NO