

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	30/08/2018
Planning Development Manager authorisation:	SCE	31.08.18
Admin checks / despatch completed	KRL	31/08/18

Application: 18/01142/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Jason McDermott

Address: 99 Fronks Road Dovercourt Harwich

Development: Proposed vehicle access to private use.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept The Highway Authority observes that the site already benefits from 2 No existing vehicular accesses and therefore The Highway Authority raises an objection to the above application for the following reasons:

The proposal for the creation of a further vehicular access would introduce an additional and unnecessary point of traffic conflict into the highway and in the immediacy of an existing junction which is likely to lead to confusing signalling and braking manoeuvres to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposed vehicular access is excessively wide and is likely to lead to obliquely angled access manoeuvres into and out of the highway contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

15/00223/FUL	Change of use from business use to residential dwelling.	Refused	05.05.2015
16/00035/FUL	Conversion of the property from business use to residential dwelling.	Approved	20.04.2016
17/01317/FUL	Proposed single storey front and side garage extension and rear second floor balcony.	Split Decision	31.10.2017

Approved

Single storey front and side garage extension

Refused

Rear second floor balcony/ terrace

18/01142/FUL

Proposed vehicle access to private use. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018
National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two storey detached dwelling "99 Fronks Road." dwelling is sited on a corner plot location with Elevations facing Fronks Road and Seafield Road. The dwelling has an existing access onto Fronks Road which leads into a driveway and an access to the rear

which is accessed via Seafield Road. Sited along the Fronks Road boundary is an existing wall and planting which comprises of two openings.

Proposal

This application seeks permission for the formation of a new vehicular access, by way of dropped kerb onto Fronks Road.

Assessment

The main considerations of this application are highway safety, visual impact and impact on neighbouring amenities.

Highway Safety

Essex County Council Highways Authority has been consulted, and have objected to the proposal. The proposal is considered to be detrimental to highway safety for the following reasons:

- As the site already benefits from two existing vehicular accesses the creation of a new vehicular access would introduce an additional and unnecessary point of traffic conflict into the existing highway.
- The site is located next to an existing junction and therefore the proposal would lead to confusing signalling and braking manoeuvres to the detriment to highway safety.
- The width of the proposal is excessive and likely to lead to obliquely angled access manoeuvres into and out of the highway contrary to highway safety.

The applicant has provided a response to the concerns raised by the Highways team below;

- There is an existing opening within the front boundary treatment used for access, and the proposed lowering of the kerb is to allow better access for vehicles.

Upon the officers site visit it was noted that there is a secondary break within the boundary treatment along Fronks Road. The application dwelling is also sited adjacent to a junction shared with Fronks Road and Seafield Road. The Highways team and Essex County Council have stated that the close proximity of such a new access to the adjacent junction would result in confusion to drivers approaching the junction therefore resulting in a harmful impact to highway safety.

- Existing In and out drive to the property opposite.

There are a number of dwellings with vehicular accesses however this site already has two and it is considered the introduction of a third would be excessive in terms of highway safety.

- There are only two existing accesses at the site and not three as stated within the highways comments.

The plans provided show that there are three accesses. Whilst one has been boarded over with a boundary fence the access still remains and has the potential to be reinstated should the applicant desire.

Whilst the applicant has provided the comments above the details contained within these comments are not sufficient enough to overcome the concerns raised by Essex County Council Highways.

Design and Appearance

The local area comprises of a mixture of two storey dwellings with driveways to the front. Some of these properties already benefit from existing dropped kerb accesses.

The proposal is considered a minor alteration to the front of the site which will be publicly visible within the streetscene. Due to its small scale nature as well as consistency with other development within the area the proposal would not result in a significant impact to the appearance of the dwelling or character of the area.

Impact on Neighbours

The proposal is of a minor alteration which as a result of its scale would not result in a harmful impact to the neighbouring properties.

Other Considerations

Harwich Town Council has no objections to the proposal.
No letters of representation have been received.

Conclusion

Whilst the proposal would not result in any adverse impact on the character of the area or neighbouring amenities, it is considered that it would be detrimental to highway safety and therefore fails to meet the criteria set out in the relevant policies of the Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The National Planning Policy Framework at Paragraph 108 states that, amongst other things, decisions should take account of whether 'safe and suitable access to the site can be achieved for all users'. Policy TR1A of the Tendring District Council Local Plan 2007 states that 'proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated'. In addition, Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that 'access to the site being practicable and the highway safety network being able to safely accommodate the additional traffic the proposal will generate'.

The proposal leads to the creation of a further vehicular access which would introduce an additional and unnecessary point of traffic conflict into the highway. The site is positioned next to an existing junction shared by Fronks Road and Seafeld Road and the formation of an additional access would result in confusing signalling and braking manoeuvres to the detriment of highway safety. Furthermore, the excessive width of the proposal would also lead to obliquely angled access manoeuvres into and out of the highway contrary to highway safety. The proposal is therefore contrary to the above policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.