

3. Planning History

18/01106/FUL Proposed drop kerb. 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

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north west facing two store terraced dwelling "40 New Road." The application dwelling is one of a row of terraced dwellings constructed from brick with driveways situated to the front accessed by existing dropped kerbs.

Proposal

This application seeks permission for a new vehicular access to the front of the site by way of a dropped kerb.

Assessment

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 improvement 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 an adverse impact to the appearance of the dwelling or character of the area.

Heritage Impact

The proposal is of a minor alteration which would not result in a harmful impact to the appearance and character of the conservation area.

The supporting letter entitled "Design and Access Statement" confirms that the proposal would not result in a harmful impact to the conservation area.

Highway Safety

As the proposal involves works to the highway Essex County Council Highways have been consulted as part of the application. They have raised no objections to the proposal subject to two conditions regarding the width of the access and prevention of unbound materials.

The proposal is therefore acceptable in terms of highways.

Impact to Neighbours

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

Other Considerations

Mistley Parish Council not commented on the application.
No letters of representation have been received.

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 plans: Block Plans 1:200.

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

- 3 The proposed vehicular access shall be constructed at right angles to the highway boundary and shall be a continuous extension of the existing vehicular accesses to No. 38

and 42 New Road Manningtree and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason- To ensure that loose materials are not brought out onto the highway, 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 Informative

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 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ