

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	09/11/2018
Planning Development Manager authorisation:	SCE	09.11.18
Admin checks / despatch completed	AW	13/11/18

**Application:** 18/01563/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mrs Shelley Willis

**Address:** 26 Fronks Road Dovercourt Harwich

**Development:** Drop kerb for driveway.

### 1. Town / Parish Council

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

### Consultation Responses

ECC Highways Dept

The documents accompanying the planning application have been duly considered. Given the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 5.5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. No unbound material shall be used in the surface treatment of the vehicular access within 5.5 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### Informative

-Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

-All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester CO4 9YQ

## 2. Planning History

18/01563/FUL      Drop kerb for driveway.      Current

## 3. 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.

## 4. Officer Appraisal (including Site Description and Proposal)

### Proposal

This application seeks permission for the provision of a new vehicular access by the way of a dropped kerb at a two storey dwelling within the settlement development boundary of Dovercourt.

### Assessment

### Design

The local area comprises of predominantly two storey dwellings, whilst many of these dwellings have walls situated along their front boundaries there are some properties within the vicinity which already benefit from existing dropped kerb accesses and front driveways.

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.

### Highway Safety

As the proposal involves works to the highway Essex County Council Highways have been consulted. They have provided no objection to the proposal subject to conditions regarding surface treatment and width of the access. These conditions have been imposed upon the permission.

The proposal would therefore not result in a harmful impact to highway safety.

### Impact on Neighbours

The proposal is a minor improvement to the site which would not result in a harmful impact to the neighbours of the site.

### Other Considerations

Harwich Town Council have no objection to the proposal.  
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.

## **5. Recommendation**

Approval - Full

## **6. 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: Layout Plan showing "Kerb to be dropped."

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

- 3 Notwithstanding the approved plans the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 5.5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason -To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 4 No unbound material shall be used in the surface treatment of the vehicular access within 5.5 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

## 7. 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

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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