

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	04/03/2019
Planning Development Manager authorisation:	AN	5/3/19
Admin checks / despatch completed	ER	7/3/19

**Application:** 18/02086/FUL **Town / Parish:** Frinton & Walton Town Council  
**Applicant:** Mr P Andrews  
**Address:** 248 Halstead Road Kirby Le Soken Frinton On Sea  
**Development:** Proposed dropped kerb to create vehicular access.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.  
The proposal is for no.248 and will retain adequate room and provision for off street parking and turning, for the existing dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following measures:

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 3.6 metres but no more than 7.2 metres, (combined, if a shared crossing is proposed with the neighbours vehicle access) shall be retained at that width for 6 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.

Note: minimum width of 3m will accommodate a single car.

2. There shall be no discharge of surface water onto the Highway.  
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

3. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.  
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

The above conditions are to ensure that the proposal conforms to the

relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Informative:**

Any 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.

### **3. Planning History**

15/01513/TPO	1 No. Monkey Puzzle (Araucaria Araucana) - fell. To be replaced with the same species.	Refused	29.10.2015
18/02086/FUL	Proposed dropped kerb to create vehicular access.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
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

Local Planning Guidance  
Essex County Council Car Parking Standards - Design and Good Practice

#### **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**

### Proposal

The application seeks permission for a new vehicular access to serve the property of 248 Halstead Road which is located within the settlement development boundary of Kirby Le Soken.

### Design and Appearance, and Residential Amenity

The immediate area comprises semi-detached and terraced houses on the east side of Halstead Road. Three bungalows opposite the application site lead to detached houses further along the west side of Halstead Road. A majority of these properties already benefit from vehicular accesses by way of a dropped kerb. 248 Halstead Road has an existing paved driveway which is already being used for off road car parking. The proposed dropped kerb will join that already in place at 246 Halstead Road to create one wide access serving both properties.

The proposal is of a size and scale which is in keeping with the existing dwelling.

The proposal will be publicly visible however due to its minor nature and other similar development within the area would not detract from the character or appearance of the existing dwelling or area and will not result in a harmful impact to neighbouring amenities.

### Highway Safety

The dropped kerb will give access to an area that will provide space for at least two cars to park off the road and which meets the minimum car parking standard of 5.5 metres x 2.9 metres for one parking space.

Essex County Council Highways regard the proposal as acceptable subject to conditions regarding the width of the proposed access, surface water drainage and the size of the off road parking provision.

### Other considerations

No other letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the 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 plan 1:500 and drawing of vehicle crossover.

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

- 3 Within four months of the date of this planning permission, 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 3.6 metres but no more than 7.2 metres, (combined, if a shared crossing is proposed with the neighbours vehicle access) shall be retained at that width for 6 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 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 5 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, 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

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653 The Crescent,  
Colchester.  
CO4 9YQ.

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