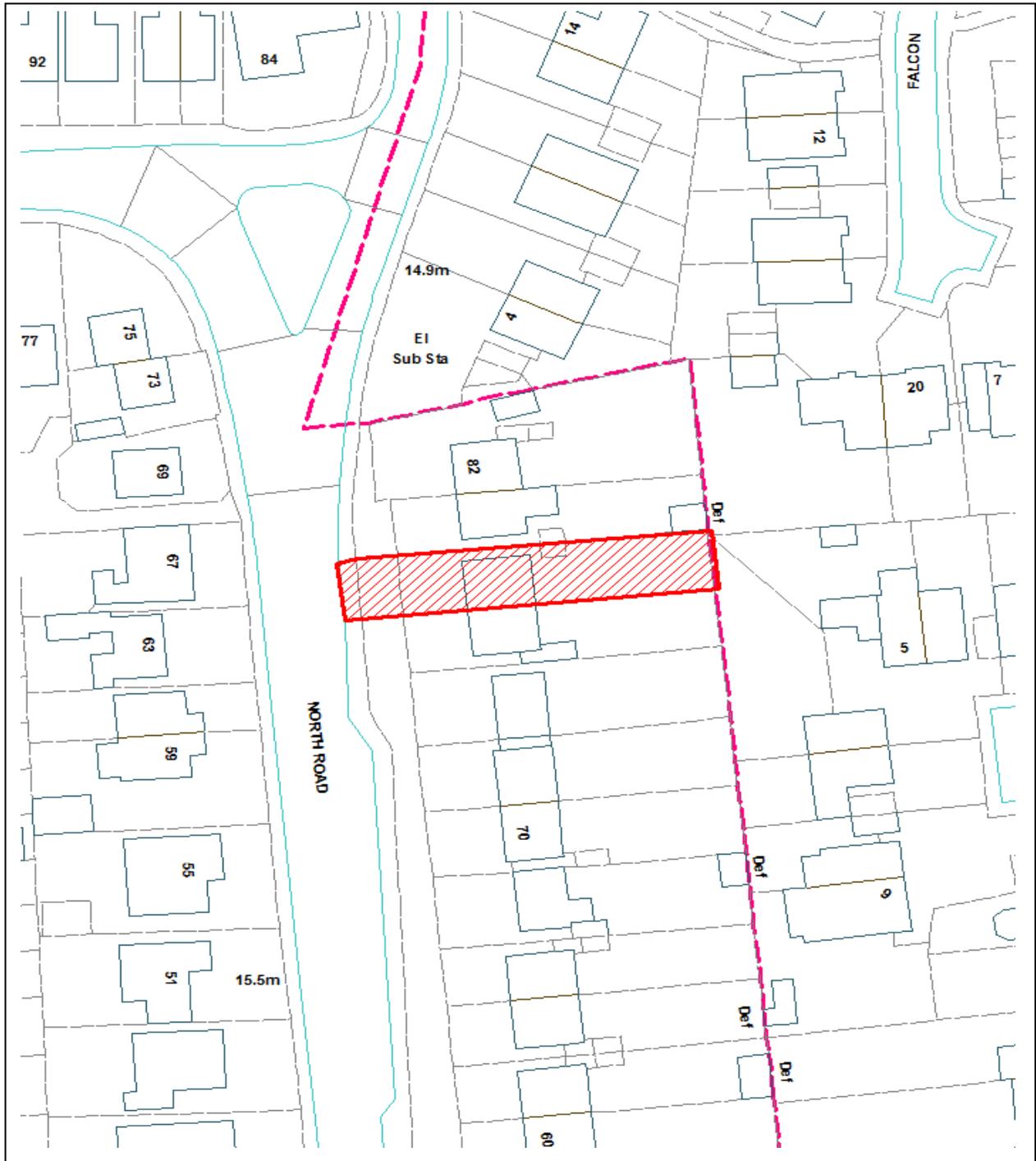


PLANNING COMMITTEE

9 APRIL 2019

REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION - 19/00019/FUL - 78 NORTH ROAD, CLACTON-ON-SEA, CO15 4DF**



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<b>Application:</b>	19/00019/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr Tom Lang	
<b>Address:</b>	78 North Road Clacton On Sea Essex	
<b>Development:</b>	Proposed dropped kerb.	

## 1. Executive Summary

- 1.1. The planning application has been referred to Planning Committee as 78 North Road is a Council owned property.
- 1.2. The applicant is also an Officer of Tendring District Council.
- 1.3. The application seeks permission for a dropped kerb vehicle access at 78 North Road which is sited within the settlement development boundary of Clacton on Sea.
- 1.4. The proposal will create a new vehicle crossover which will allow access to off road car parking which will not have a significant impact on the appearance and character of the local area and will not result in a harmful impact to neighbouring amenities.

### **Recommendation: Approve**

#### **Conditions:**

1. Time Limit
2. Approved Plans
3. Highways – construction of access
4. Highways – no unbound material
5. Highways – no discharge of surface water

## 2. Planning Policy

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)

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

### **3. Relevant Planning History**

19/00019/FUL	Proposed dropped kerb.	Current
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### **4. Consultations**

ECC Highways Dept	<p>The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes a new vehicle crossover to access off street vehicle parking within the curtilage, therefore:</p>
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From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

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 more than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 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.

3. There shall be no discharge of surface water from the development 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.

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:

' The new access and dropped kerb will cross land owned by the Council. The applicant will require the grant of an access licence to cross the Council's land once all necessary consents and planning permission have been obtained.

' The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

' 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

pp Director for Highways & Transportation  
Enquiries to Caroline Tracey  
Telephone: 03330 130119  
Email: [caroline.tracey@essex.gov.uk](mailto:caroline.tracey@essex.gov.uk)

## 5. **Representations**

None received

## 6. Assessment

The main planning considerations are:

- Site context;
- History;
- Proposal;
- Design and Appearance;
- Residential Amenity; and,
- Highway Safety.

### Site Context

- 6.1. The application site comprises of a west facing semi detached house which is of a standard brick construction with a tiled roof. A grassed front garden is enclosed with mesh wire fencing and a pedestrian gate. In front of the garden boundary is a wide grass verge which is currently being utilised as off road car parking.
- 6.2. The site is located within the settlement boundary of Clacton on Sea within the Adopted Local Plan 2007 and Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Proposal

- 6.3. This application seeks planning permission for a dropped kerb vehicular access in front of the property.

### History

- 6.4. Although 78 North Road has no relevant planning history a planning application under reference CLA/141/67 granted permission for vehicular accesses to 7 of the council houses between numbers 60 and 82 North Road.

### Design and Appearance

- 6.5. The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed and relate satisfactorily to their setting. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.6. The immediate area comprises a row of semi-detached houses on the east side of North Road and a mixture of housing types on the western side of North Road, most of which have vehicular accesses and driveways. The immediate neighbours of 80 and 82 North Road have dropped kerb access onto the front of their properties.
- 6.7. The area of the proposed off road car parking is currently a grassed area with a garden path. New surfacing on this area to create the equivalent of 2 car parking spaces would not significantly impact the visual amenity of the immediate area.
- 6.8. The proposal will be publicly visible however due to its minor nature and other similar development within the area it would not detract from the character or appearance of the existing dwelling or the immediate area.

### Residential Amenity

- 6.9. The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.10. The proposed access and surfacing in front of the house will improve the provision for off road car parking in the immediate vicinity and prevent damage to the grass verge.
- 6.11. The parking area in front of the existing house is sufficient to allow two cars to park off the road and which meets the parking standards where one parking space measures 5.5 metres x 2.9 metres.
- 6.12. The minor nature of the proposal will not result in a harmful impact to neighbouring properties.

### Highway Safety

- 6.13. Essex County Council Highways have been consulted on the application and regard the proposal as acceptable subject to conditions regarding width of the proposed access, surface water drainage and the driveway materials to be used.
- 6.14. One condition suggested by Essex County Council Highways states that the access should be constructed to a width of no more than 6 metres rather than the 7.5 metres proposed. In this case, it is considered that if the width is reduced to 6 metres the proposal would be acceptable and this can be secured by condition.

### Conclusion

- 6.15. In conclusion as the proposal represents no significant visual harm or significant loss of residential amenities to neighbouring properties it is recommended for approval.

### Background Papers

None.