

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	10/04/19
Planning Development Manager authorisation:	SCE	10.04.19
Admin checks / despatch completed	PW	10/4/19

**Application:** 18/02035/FUL                      **Town / Parish:** St Osyth Parish Council  
**Applicant:** Mrs Eileen Lovelidge  
**Address:** 9 Mill Street St Osyth Clacton On Sea  
**Development:** Removal of section of wall to re-open historic vehicular access and closure of the existing access.

### 1. Town / Parish Council

**St Osyth Parish Council** Whilst members of the Parish Council are unable to recall any such historic access, there are no objections on the basis that having assessed the application, the Highway Authority deem the application as acceptable.

### 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 considered by the Highway Authority.  
The proposal is off Mill Street which is subject to a 30-mph speed limit and has other existing vehicle accesses on the north side of Mill Street. The site retains 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. Prior to completion of the access a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.  
Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1
2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.
3. 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



(3 metres minimum - 4.5 metres maximum), 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.

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 to ensure accordance with policy DM1

5. Prior to the completion of the new access a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

6. The existing access at the side of no. 9 shown on the block plan (DWG 02 A) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in 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 1:**

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**

07/01026/FUL	Proposed extension.	Approved	07.08.2007
18/02035/FUL	Removal of section of wall to re-open historic 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

TR1 Transport Assessment

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 Design Guide

#### **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

This application seeks planning permission for the creation of a new vehicle access (and closing of the existing access) to a dwellinghouse within the Development Boundary of St Osyth and the St Osyth Conservation Area.

### Design and Impact on Conservation Area

The proposed access to the highway will have a noticeable impact on the appearance of the front boundary of the site - with a section of wall and hedge being removed. The Conservation Area Appraisal makes no specific reference to this stretch of wall however, and detailed elevation drawings have been submitted showing that the proposal will be sympathetic to the character of the site and the surrounding area. The addition of an entrance to the front of the site is in keeping with similar drive-ways in the vicinity. The closing of the existing driveway will use bricks and coursing which match the existing wall, and will include raising the height of the existing wall to a uniform 1.74m between the existing piers. The enclosure along this side boundary will appear in keeping with the character of the site. The cumulative impact of the proposed works is considered to have a neutral impact, and will preserve the character of the conservation area.

### Impact on Neighbours

The proposed works will not impact neighbouring privacy, outlook or daylight.

### Highway Safety

Essex County Council Highways have been consulted on the application. They consider that the proposal is acceptable, subject to suggested conditions and Informatives. The proposal has been amended to comply with the requirement for 1.5m x 1.5m pedestrian visibility splays. Suggested condition 5 requires details of a turning facility to be submitted to the Local Planning Authority - however, a large area of hard standing to the front of the existing double garage provides adequate space for turning vehicles in order that they can enter and leave the highway in a forward gear. The existing access to the dwelling (to be closed) is served by a currently unmade road which will serve the entrance to a major development to the rear of the site. Suggested condition 6 - requiring this access from the highway to be closed - is therefore not necessary.

### Other Considerations

St Osyth Parish Council has no objection to the application.

No other letters of representation have been received.

### Conclusion

In the absence of material harm as a result of the proposed development, this 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: Drawing no. 03 Revision A.

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

- 3 Prior to completion of the access a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 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 (3 metres minimum - 4.5 metres maximum), 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.

- 6 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.

- 7 All materials used in the proposed works to the wall (in creating the new access and closing the existing access) shall match those used in the existing wall.

Reason - To ensure a satisfactory form of development in terms of visual amenity and impact on the Conservation Area.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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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Colchester Highways Depot,  
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Colchester.  
CO4 9YQ.