

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	09/04/2019
Planning Development Manager authorisation:	AN	11/4/19
Admin checks / despatch completed	SB	12/04/19

**Application:** 19/00218/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Ms Rachel Wilson

**Address:** Hamlin House The Street Ardleigh

**Development:** Proposed drop kerb to front of property for vehicular access.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

ECC Highways Dept

The applicant has supplied some additional information in support of their application. It has been confirmed that the depth of the driveway is being altered. The low wall at the back of the drive is being lowered to maximise the drive depth to 5 metres, extending it to the boundary of the property creating a minimum depth of 5 metres for the driveway in line with ECC's vehicle crossing criteria.

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 drop kerb at its junction with the highway shall not be less than 3.6 metres (4 low kerbs) but no more than 4.5 metres (5 low kerbs); shall be retained at that width for 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.

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 1**

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

**Informative 2:**

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**

04/00854/FUL	Conversion of offices and hall into five dwellings	Refused	09.07.2004
04/01641/FUL	Conversion of offices and hall into four dwellings (amended scheme 04/00854/FUL)	Withdrawn	13.10.2004
04/01725/TCA	Fell tree on rear boundary.	Approved	21.09.2004
04/02186/FUL	Conversion of offices and hall into four dwellings.	Approved	07.01.2005
05/00693/FUL	Extension/reposition of garage, additional window to unit 4 and erection of 1.8m high boundary wall (variation to planning permission 04/02186/FUL)	Withdrawn	05.05.2005
18/01814/FUL	Proposed drop kerb to front of property for vehicular access.	Refused	23.01.2019
19/00218/FUL	Proposed drop kerb to front of property for 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  
EN17 Conservation Areas  
TR1A Development Affecting Highways

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

SPL3 Sustainable Design  
PPL8 Conservation Areas

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 dropped kerb for a vehicle access to serve the property of Hamlin House, The Street which is located within the settlement development boundary of Ardleigh and within the Conservation Area.

### **Design and Appearance, Residential Amenity and Conservation Area**

The proposed access would be sited in front of Hamlin House. The area in front of Hamlin House proposed for the use of off road car parking is block paved and has a low level wall on the northern side and a small section of wall on the eastern boundary. The block paved area is above the level of Hamlin House which is divided from the house with a low wall. The dividing low wall will be removed and the existing space between the block paving and house will be filled in and block paved to match the existing to create an area which meets the requirements of Essex County Council to comply as a parking space with a dropped kerb. Hamlin House is an individual property previously a hall and offices. Hamlin House is located in a conservation area, surrounded by distinctive cottages and lies opposite the listed church of St Marys.

The Conservation area appraisal describes the immediate area as '*...a two storey Victorian building, now linked to a former Hall in an office complex. The frontage building has been shorn of much of its interest and the surroundings are lacking in maintenance. To the rear is a single storey surgery.*'

The characteristics described above are evident in this part of The Street today. The introduction of a drop kerb to Hamlin House is considered appropriate in terms of visual amenity and the proposal will preserve the character and appearance of the Ardleigh Conservation Area.

The applicant has submitted a heritage statement to support the application which states '*I would endeavour to make sure my front driveway maintains some greenery and flowers, in keeping with the church opposite and surrounding properties.*'

Hamlin House does not benefit from any private amenity space due to its former use as a hall and offices.

#### Highway Safety

The dropped kerb will give access to an area that will provide space for one car to park off the road and although it does not meet the recommended car parking standards for one space which measures 5.5 metres x 2.9 metres it does meet the minimum car parking standard for one space which measures 5 metres x 2.5 metres. The blocked paved area in front of the house also meets the Essex County Councils criteria for a vehicle crossing which requires a minimum drive depth of 5 metres.

Essex County Council Highways have confirmed that the proposal is acceptable subject to conditions which specify the minimum and maximum width of the drop kerb, that no water shall be discharged onto the highway and that it should accord with the Parking Standards.

#### Other Considerations

No letters of representation have been received.

#### Conclusion

In the absence of 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: Ref No. 1 Block plan 1:200 and Ref No. 2 Site Plan 1:1250.

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

- 3 The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the drop kerb at its junction with the highway shall not be less than 3.6 metres (4 low kerbs) but no more than 4.5 metres (5 low kerbs); shall be retained at that width for 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 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 Informatives

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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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