

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	22/05/2019
Planning Development Manager authorisation:	SCE	29.05.19
Admin checks / despatch completed	PW	29/5/19

**Application:** 19/00511/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Charles Gooch

**Address:** 1 and 2 New Cottages Colchester Road Elmstead

**Development:** Proposed dropped kerb to provide vehicular access to Nos 1 & 2 New Cottages with a combined parking area for each cottage.

### 1. Town / Parish Council

Elmstead Market Parish Council      No comments received.

### 2. Consultation Responses

ECC Highways Dept      The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located off the taper of an existing bus stop which is currently used by 6 different services; however, there is an existing vehicle access at the other end of the bus stop and the site provides adequate room and provision for off street parking, for the existing dwellings 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 6 metres, 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. The proposed vehicular access can only be used for a maximum of 2 dwellings.

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. 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

3. The redundant access located outside the bus shelter shown on the block plan shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing 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.

4. Prior to the completion of the vehicle access a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced 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

5. 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

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 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 1: Note; there is an existing telegraph pole located in the verge at the back of the existing footway that needs to be taken into consideration for the proposed vehicle access.

Informative 2: On the completion of the work, the road footways/paths, covers, gratings, 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 3: 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

19/00511/FUL

Proposed dropped kerb to provide vehicular access to Nos 1 & 2 New Cottages with a combined parking area for each cottage. 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

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 (including Site Description and Proposal)**

##### **Site Description**

The site is located to the south of Colchester Road, inside the development boundary of Elmstead. The site encompasses a pair of semi-detached red brick cottages. The dwellings are set back from the road with a large grassed frontage. The dwellings are divided by a low picket fence. The front of the site has mature trees and hedgerow across the boundary and a picket fence. A telegraph pole, bus stop, shelter and layby are located in front of the application site.

##### **Proposal**

The application proposes a dropped kerb to provide vehicular access to Nos 1 & 2 New Cottages with a combined parking area for each cottage.

## **Representations**

No comments have been received from Elmstead Parish Council

One letter of objection has been received raising concerns regarding:

- Impact on the use of the current bus stop (considered by Highways and addressed in officer report)
- Increase in vehicle collisions (considered by Highways and addressed in officer report)
- Opening up the gates for further development on the land (this application is considered on its own merits and cannot be determined on the assumption of future development)

## **Assessment**

The main considerations are the highway safety and the impact on visual amenity.

The adopted Tendring District Local Plan (2007) Policies QL9 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy TR1a states that proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. Policy TR7 states that the adopted car parking standards will be applied.

### **Highway Safety and Visual Amenity**

Essex County Council Highways has been consulted on this application. Whilst they have noted that the proposal is located off the taper of an existing bus stop there is an existing vehicle access at the other end of the bus stop. They have confirmed that the site provides adequate room and provision for off street parking and consider that the proposal is acceptable subject to conditions relating to access width, pedestrian visibility splays, the redundant access, vehicular turning, unbound materials and no surface water discharge onto the highway.

No on-site parking is currently available for either dwelling so the introduction of the dropped kerb to provide parking will improve the existing parking arrangements that serve the dwellings.

The dropped kerb will not have any impact visually on the area as other nearby properties have dropped kerbs to provide access. Whilst it is noted that the hardstanding will be visually prominent, it will be installed using 300mm consolidated MOT type 1 surfacing topped with gravel, which is permeable and therefore falls within permitted development which the Local Planning Authority has no control over. There is still sufficient space around the hardstanding for some soft landscaping to take place.

It is considered that subject to compliance with the imposed conditions there would be no significant adverse impact on the highway and visual amenity, nor will it result in any adverse impact on neighbouring properties.

### **Conclusion**

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and 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: Location Plan (Scale 1:1250), Plan 1 Site Plan (Scale 1:500) and Plan 2 (Scale 1:200).

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 access at its junction with the highway shall not be less than 6 metres, 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. The proposed vehicular access can only be used for a maximum of 2 dwellings.

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

- 4 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.

- 5 The redundant access located outside the bus shelter shown on the block plan shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing 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.

- 6 Prior to the completion of the vehicle access a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced 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.

- 7 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.

- 8 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.

## 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

Informative 1: There is an existing telegraph pole located in the verge at the back of the existing footway that needs to be taken into consideration for the proposed vehicle access.

Informative 2: On the completion of the work, the road footways/paths, covers, gratings, 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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SMO1 ' Essex Highways  
Colchester Highways Depot,  
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>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO