

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	13/08/2019
Planning Development Manager authorisation:	TF	14/08/19
Admin checks / despatch completed	AP	14/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XIQ	14/08/19

**Application:** 19/00797/FUL **Town / Parish:** Bradfield Parish Council

**Applicant:** Mr and Mrs Kapp

**Address:** Sunset View Windmill Road Bradfield

**Development:** Proposed electric gate and railings to existing boundary and hedge.

### 1. Town / Parish Council

Bradfield Parish Council      No objections

### 2. Consultation Responses

ECC Highways Dept

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

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

**Reason:** To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to the completion of the works a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed 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.

3. 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.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where

no provision of footway/cycleway is present, the carriageway.  
**Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

5. The new boundary arrangement shall be constructed as shown in the proposed elevations, **Block Plan & Site Plan/ Street View Ref. no. 1907-1 Rev. A**

**Reason:** Interest of highway safety in accordance with policy DM1.

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

**Reason:** To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest 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:** 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:** All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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**

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway

Authority against such compensation claims a cash deposit or bond may be required.

### 3. **Planning History**

92/01204/OUT	Construct one bungalow	Refused	05.01.1993
88/00036/FUL	Addition of grannie flat and garage kitchen together with 3 bedrooms	Approved	21.02.1989
10/01235/FUL	Two storey and first floor extensions to existing bungalow and new detached double garage and new vehicle access for private use.	Refused	23.12.2010
11/00292/FUL	Two storey and first floor extensions to existing bungalow, new detached garage and new vehicular access.	Approved	05.05.2011
19/00797/FUL	Proposed electric gate and railings to existing boundary and hedge.	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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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 (2019) 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)**

### Application site

The application site comprises of a south facing detached dwelling with existing access and garage which is visible from the streetscene. Sited along the front boundary of the site is an existing temporary fence with variations of planting set behind it.

### Proposal

This application seeks permission for the erection of a new entrance gate and railings to existing boundary.

The plans have since been amended to incorporate some soft landscaping behind the proposed gates and railings to soften their appearance within the streetscene.

### Assessment

#### Design and Appearance

The site is located within a rural part of the district with dwellings which vary in character and design. Sited to the south of the site are a small number of dwellings which have existing front boundary treatments such as brick walls or fences.

The proposal will be sited along the front boundary and therefore a noticeable addition within the streetscene. The proposed gates themselves will be set back from the front of the site by 6m which will reduce their prominence. Sited behind the new fence will be a variation of planting which will soften the fences appearance within the streetscene.

The existing site has a temporary fence along the front boundary which is an unattractive feature when viewing the site. The proposal will be a permanent addition which is considered to be a visual improvement to the site.

The metal railings and gate will be painted black which will allow the proposal to appear consistently within the streetscene.

It is also noted that within the immediate vicinity there are existing examples of other boundary treatments such as walls and fences.

It is therefore considered that as a result of the above that the proposal would appear appropriately within the streetscene and would not detract from the appearance or character of the existing dwelling or area.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

### Highway Safety

Due to their close proximity to the highway the Essex County Council Highways team have been consulted as part of the application and in this case deem the application to be acceptable with

suggested conditions including sizes of visibility splays and no obstruction of these, turning facility, materials to be used in surface treatment and positioning of gates.

It is therefore considered that the proposal would not result in a harmful impact in terms of highway safety.

#### Impact on Neighbours

Due to the proposals siting along the front boundary the new fence and gates will not be visible to the neighbouring properties and therefore would not result in a harmful loss of residential amenities.

#### Other Considerations

Bradfield Parish Council have no objections to the application.  
No further comments have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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 plan: 1907-1A  
  
Reason - For the avoidance of doubt and in the interests of proper planning.
- 3 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.  
  
Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.
- 4 Prior to the completion of the works a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed 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.
- 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 .

- 6 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway 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 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 Informatives

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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