

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	04/09/2019
Planning Development Manager authorisation:	TF	09/09/2019
Admin checks / despatch completed	SB	09/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	9/9/19

**Application:** 19/01032/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Peter Ray

**Address:** 46 Jaywick Lane Clacton On Sea Essex

**Development:** Move existing vehicular access to left side of boundary and install a second vehicular access on right side of boundary, remove existing box Yew hedge and construct new boundary wall between vehicular access points.

### 1. Town / Parish Council

n/a

### 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 retains adequate room and provision for off street parking and turning, there must be a minimum length of 5 metres of high kerbs between the two proposed vehicular accesses to prevent entire frontage being dropped which this proposal has therefore:

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

1. Prior to the first use of the revised vehicular 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 and for each vehicle 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 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. Prior to the first use of the revised vehicular access 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 4.5 metres (5 low kerbs) for the southern vehicle access, and the proposed vehicle on the north side (adjacent to no. 44) shall not be more than 3.6 metres (4 low kerbs) and 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/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.

Note: If the vehicle crossing is shared/ adjacent with a neighbour's vehicle access then the length is 8 low kerbs which is 7.2 metres wide, 4 low kerbs in front of each property.

4. The new boundary wall shall be constructed as shown in the proposed wall elevation, drawing.

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

5. 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**

09/00917/FUL	Proposed first floor extension and two storey side extension, plus various internal amendments.	Refused	21.12.2009
10/00121/FUL	Proposed first floor extension and two storey side extension plus various internal amendments.	Approved	01.04.2010
18/01842/FUL	Proposed replacement dwelling (chalet) following demolition of existing bungalow & pre-fab outbuilding/garage.	Approved	28.01.2019
19/00622/FUL	Variation of condition 2 of approved application 18/01842/FUL to create a wider projection with the front door within instead of adjacent to front projection.	Approved	17.06.2019
19/01032/FUL	Move existing vehicular access to left side of boundary and install a second vehicular access on right side of boundary, remove existing box Yew hedge and construct new boundary wall between vehicular access points.	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

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

### Proposal

The application seeks permission to move one vehicular access and create another to a property located within the development boundary of Clacton on Sea. The proposal includes removing an existing box yew hedge and the construction of a wall, using bricks that match the bungalow and which is no more than 1 metre in height as shown on the submitted drawings. The removal of the existing hedge does not require planning permission and the construction of the low boundary wall although adjacent to the highway is considered as permitted development due to its maximum height of 1 metre.

### Design and Appearance, and Residential Amenity

One new access is proposed up to the northern boundary and the other access is proposed up to the southern boundary. The full length of the hedge is proposed for removal in order to create the new accesses and construct the new wall. Although a pleasant view is created by the existing hedging, there is a mix of boundary treatments along Jaywick Lane and therefore the removal of the hedge would not be significantly detrimental. The proposed brick wall is low level and will use bricks that match the newly constructed bungalow ensuring it is in keeping with the character of the existing dwelling and immediate area. The area of proposed off road car parking is yet to be finished and does not form part of this planning application. New surfacing on the area in front of the bungalow for parking would not significantly impact the visual amenity of the immediate area.

### Highway Safety

The proposed new accesses will be situated at the northern and southern points of the front boundary with dropped kerbs ensuring safe access from and onto Jaywick Lane. The properties along this side of Jaywick Lane are set back, most have driveways to allow for off road parking and manoeuvring due to the busy nature of the road. Other accesses onto this through route already exist.

The dropped kerbs will give access to an area that will provide space for at least two cars to park off the road and which meets the minimum car parking standard of 5.5 metres x 2.9 metres.

Essex County Council Highways have confirmed that the proposal is acceptable subject to conditions which ensure there is sufficient visibility splays, no loose material is used on the parking space surface, that the space is constructed at right angles to the highway and the storage of building materials should be identified clear of the highway.

### 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: Proposed floor plan and Proposed Vehicle Access Wall Detail Elevation Scale 1:100.

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

- 3 Prior to the first use of the revised vehicular 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 and for each vehicle 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 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.

- 5 Prior to the first use of the revised vehicular access 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 4.5 metres (5 low kerbs) for the southern vehicle access, and the proposed vehicle on the north side (adjacent to no. 44) shall not be more than 3.6 metres (4 low kerbs) and 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/highway verge.

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

- 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

## **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

If the vehicle crossing is shared/adjacent with a neighbour's vehicle access then the length is 8 low kerbs which is 7.2 metres wide, 4 low kerbs in front of each property.

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.

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<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