

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	09/07/2020
Planning Development Manager authorisation:	AN	09/07/2020
Admin checks / despatch completed	CC	09/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	09/07/2020

**Application:** 20/00336/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr Gavin Steward

**Address:** Cornerways 31 Highfield Avenue Dovercourt

**Development:** Proposed two dropped kerbs.

### **1. Town / Parish Council**

No response.

### **2. Consultation Responses**

ECC Highways Dept  
05.06.2020

The Highway Authority observes that this dwelling already benefits from off road parking at the rear of the property and is accessed via Manor Path albeit Public Footpath No 12 (Harwich).

The Highway Authority raises an objection to the above application for the following reasons:

1 The proposal for the creation of a further vehicular access would introduce an additional and unnecessary point of traffic conflict into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority could give favourable consideration to a similar proposal where there was a single vehicular access at the northern or southern end of the site fronting Highfield Road and the off road parking at the rear to cease and a suitable boundary treatment installed.

Informative2: There is also insufficient depth of frontage to enable a car to manoeuvre between the proposed two vehicular accesses onto Highfield Road and address the highway at right angles.

### **3. Planning History**

06/01600/FUL	Single storey front extension.	Approved	21.11.2006
10/00405/FUL	Proposed single storey extension and alterations to existing flat roof.	Approved	10.06.2010
19/00642/FUL	Proposed two storey rear extension and loft conversion.	Approved	17.06.2019

#### **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

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

CP2 Improving the Transport Network

#### **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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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**

### Site Description

The application relates to the highway immediately outside a property known as Cornerways, at 31 Highfield Road, Dovercourt. Cornerways is a detached house in a residential street on a corner of Highfield Road with Manor Lane.

The property has a garage and parking spaces to the rear, accessing onto Manor Lane.

### Proposal

Proposed two dropped kerbs.

### Appraisal

There would be no material adverse impact from the proposal in terms of appearance. There are numerous other dropped kerbs serving neighbouring properties. The proposal would be unnoticeable in the streetscene.

The principle issue in this case is the impact to the highway; there is an “in-and-out” driveway between the house and the front boundary of the property which has a good appearance and is generally in keeping with the appearance of the site and its surroundings.

The local highway authority, Essex County Council, has been consulted and a written response received raising an objection due to the proposal being an additional and unnecessary point of traffic conflict to the detriment of highway safety.

The Highway Authority observes that this dwelling already benefits from off road parking at the rear of the property and is accessed via Manor Lane albeit that Manor Lane is a public right of way classified as a footpath, Public Footpath No 12 (Harwich).

The proposal would be materially detrimental to highway safety. As such the proposal is contrary to Policy TR1a and to criterion (i) of Policy QL10 of the adopted Local Plan.

## **6. Recommendation**

Refusal.

## **7. Reason for Refusal**

Saved policy TR1a of the Adopted Tendring District Local Plan (2007) states that development affecting highways should seek to reduce and prevent hazards and inconvenience to traffic. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states the following criteria must be met: access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Saved policy QL10, at (i), states that planning permission will be granted if access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

The proposal for the creation of a further vehicular access would introduce an additional and unnecessary point of traffic conflict into the highway to the detriment of highway safety. As such the proposal is contrary to Policies QL10 (i) and TR1a of the adopted Local Plan and Policy CP2 and SPL3 of the emerging Local Plan.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

The Highway Authority could give favourable consideration to a similar proposal where there was a single vehicular access at the northern or southern end of the site fronting Highfield Road and the off road parking at the rear to cease and a suitable boundary treatment installed.

There is also insufficient depth of frontage to enable a car to manoeuvre between the proposed two vehicular accesses onto Highfield Road and address the highway at right angles.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p>NO</p>