

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	23/09/2020
Planning Development Manager authorisation:	SCE	23.09.2020
Admin checks / despatch completed	DB	30/09/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	30/09/2020

Application: 20/00892/FUL **Town / Parish:** Harwich Town Council

Applicant: Mrs Sophie Repman

Address: 73 King Georges Avenue Dovercourt Harwich

Development: Proposed dropped kerb for a new drive way - 5 flat 2 raised kerbs high.

1. Town / Parish Council

Ms Lucy Ballard, Town
Clerk Harwich Town
Council
02.09.2020

Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept

The characteristics of the site and access are recognised however in the context of the site characteristics at King Georges Avenue, this is not unusual. The property appears to have the required depth at the front to accommodate a parking space within the boundary of the property (minimum depth of 5 metres) 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 first use a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided/retained 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.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access or driveway throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

(Continued...)

3. Prior to first use 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 (equivalent to 5 low kerbs for a single crossing), 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.

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 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.

3. Planning History

20/00892/FUL	Proposed dropped kerb for a new drive way - 5 flat 2 raised kerbs high.	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

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 (including Site Description and Proposal)

Proposal

This application seeks permission for a dropped kerb for a new driveway.

Application Site

The site is located to the east of 'King Georges Avenue', within the Development Boundary of Harwich. The site serves a semi-detached dwelling finished in painted render with a hipped tiled roof. The site has a large lawn area to the front with a picket fence along the site boundary.

Assessment

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

The Adopted Tendring District Local Plan (2007) Policies QL9 and QI11 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. They note that the characteristics of the site and access are recognised but in the context of the site characteristics at King Georges Avenue this is not unusual. The property appears to have the required depth at the front to accommodate a parking space within the boundary of the property (minimum depth of 5 metres) and therefore the proposal is considered acceptable from a highway and transportation perspective.

There is no on-site parking currently available for the host dwelling so the introduction of a dropped kerb to provide parking to the dwelling will improve the existing parking arrangements.

The dropped kerb will not have any impact on the visual amenities of the area as other nearby sites have dropped kerbs to provide access, including the attached neighbouring dwelling.

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.

Other Considerations

Harwich Town Council has no objection to the proposal.

Essex County Council Highways approve of the proposal.

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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; Document showing the proposed dropped kerb, and driveway scanned 28 Jul 2020, Drawing showing the proposed Block Plan scanned 5 August 2020.

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

- 3 Prior to first use a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided/retained 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.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access or driveway throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

- 5 Prior to first use 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 (equivalent to 5 low kerbs for a single crossing), 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.

- 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.

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: It is recommended that the current level difference of the front garden is raised to mirror the existing level of the footway and neighbours drive; this should be carried out prior to the driveway being used by vehicular traffic, so any vehicle can enter and leave the access in a controlled manner.

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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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