

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	08/09/2021
Planning Development Manager authorisation:	TF	08/09/2021
Admin checks / despatch completed	DB	09.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/09/2021

Application: 21/00620/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Alan Buchan

Address: 72 Church Road Brightlingsea Colchester

Development: Proposed vehicular access.

1. Town / Parish Council

Brightlingsea Town Council
20.07.2021

Supports application

2. Consultation Response

ECC Highways Dept
26.08.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that several of the neighbouring properties have an existing drop kerb to their properties and there appears to be adequate parking at the front of the property.

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

1. 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 adjacent to the existing footway. 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. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the drop kerb access at its junction with the highway shall not exceed 4.5 metres (5 low kerbs) and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/ 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.

3. 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.

4. No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests 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: 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 or by post to:

**SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT**

2: 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.

3. Planning History

00/00570/FUL	Additional use of outbuilding within residential curtilage for office purposes (Renewal of planning permission TEN/98/0225)	Approved	29.06.2000
02/01544/FUL	Additional use of outbuilding within residential curtilage for office purposes (Renewal of planning permission 00/00570/FUL)	Approved	08.10.2002
98/00225/FUL	Additional use of outbuilding within residential curtilage for office purposes	Approved	07.04.1998
88/00802/FUL	Chalet bungalow with single garage	Refused	14.06.1988

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SP7 Place Shaping Principles
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Proposal

The application seeks permission for a dropped kerb for a vehicle access to serve the property of 72 Church Road which is located within the settlement development boundary of Brightlingsea.

Design and Appearance and Residential Amenity

The proposed access would be sited centrally in front of the 72 Church Road. The area in front of the chalet bungalow of 72 Church Road is already finished in resin and edged in paving stones to provide an area for parking cars off the road. The only boundary treatments are to the northern and southern side boundaries. The finished driveway creates an area which meets the requirements of Essex County Council to comply as a parking space with a dropped kerb. Most properties along this section of Church Road benefit from a dropped kerb access to the front or side of their properties. The introduction of a drop kerb to 72 Church Road is considered appropriate in terms of visual amenity.

Highway Safety

The dropped kerb will give access to an area that will provide space for more than one car to park off the road and although it does not meet the recommended car parking standards for one space which measures 5.5 metres x 2.9 metres it does meet the minimum car parking standard where a space should measure a minimum of 5 metres x 2.5 metres. The resin and paved area in front of the chalet bungalow also meets the Essex County Councils criteria for a vehicle crossing which requires a minimum drive depth of 5 metres. There is a bus stop adjacent to the property however there are no lines marked on Church Road which would prevent a dropped kerb from being installed.

Essex County Council Highways have confirmed that the proposal is acceptable subject to conditions which specify a pedestrian visibility splay, the width of the drop kerb, that no water shall be discharged onto the highway and that no unbound material should be used in the surface treatment of the vehicle access.

Other Considerations

Brightlingsea Town Council supports the application.

No other 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 plan: Block Plan 1:500 received on 23 August 2021.

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

- 3 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 adjacent to the existing footway. 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 The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the drop kerb access at its junction with the highway shall not exceed 4.5 metres (5 low kerbs) and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/ verge.

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

- 5 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.

- 6 No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason - To avoid displacement of loose material onto the highway in the interests 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

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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