

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	27.04.2022
Planning Development Manager authorisation:	SCE	27.04.2022
Admin checks / despatch completed	ER	27/04/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.04.2022

**Application:** 22/00269/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Kim Wigglesworth

**Address:** 372 St Johns Road Clacton On Sea Essex

**Development:** Proposed vehicle access.

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

N/A

### **2. Consultation Responses**

ECC Highways Dept  
23.03.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with another 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 the property has an existing driveway and parking already occurs at the front of the property while the majority of the neighbouring properties also have an existing vehicle access onto St Johns Road. The property retains adequate room and provision for off-street parking, considering these factors.

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 (equivalent to 5 drop 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/ 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 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.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and 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](mailto:development.management@essexhighways.org)

2: It is recommended that a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose, to allow vehicles to enter and leave the highway in a forward gear.

3: 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**

22/00269/FULHH      Proposed vehicle access.      Current

### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)*

SP7    Place Shaping Principles

*Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)*

SPL3   Sustainable Design

Essex County Council Parking Standards

Essex Design Guide

#### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

### **5. Officer Appraisal (including Site Description and Proposal)**

#### **Proposal**

Proposed vehicle access.

#### **Application Site**

The application site is located to the north of St Johns Road, which serves a detached dwelling, located within the development boundary of Clacton on Sea. The site serves a dwelling finished in painted render with a clad gable end, white UPVC windows, with a pitched tiled roof. The surrounding street scene comprises of dwellings featuring similar scale and design. There are three off-street car parking spaces, located to the front of the dwelling.

#### **Assessment**

#### **Design and Appearance**

One of the core principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Adopted Policy SPL3 aims to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

The proposed drop kerb would measure 5.4 metres wide and provide access to the front paved area of the dwelling for vehicles. It is noted that the majority of neighbouring dwellings feature an access point of similar scale and so the principle of this alteration is acceptable subject to conditions.

The proposal would be limited in scale and low lying so the impact on visual amenity to the site would be negligible.

### **Impact on Neighbouring Amenities**

Paragraph 17 of the NPPF, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SPL3 of the adopted plan states that amongst criteria 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

The proposal is not considered to not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

### **Highway issues**

The Essex County Council Highways officer was consulted on the proposed dropped kerb and was supportive of the application subject to the below conditions.

### **Other Considerations**

No 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**

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; Drawing No.

- BLOCK PLAN, FLOOR PLAN and SITE PLAN (Scanned 10<sup>th</sup> Feb 2022)

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 (equivalent to 5 drop 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/ 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 within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and 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 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

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