

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	JJ	06/02/24
Team Leader authorisation / sign off:	AN	07/02/24
Assistant Planner final checks and despatch:	ER	09/02/2024

**Application:** 23/01783/FULHH **Town / Parish:** St Osyth Parish Council

**Applicant:** Aamna Ahmed - Full Stop Estates

**Address:** 106 Clacton Road St Osyth Clacton On Sea

**Development:** Proposed new drop kerb to give access to parking on front garden.

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

St Osyth Parish Council      No objections.

### **2. Consultation Responses**

ECC Highways Dept      The information submitted with the application has been assessed by the  
26.01.2024      Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material and google image dated June 2023, no site visit was undertaken in conjunction with this application. It is noted that the property is situated close to an existing zebra crossing and there are existing restrictions in place that deter parking outside the property and on the approach to the crossing. The proposed driveway and vehicle access will be positioned adjacent to the western boundary of the property away from the zebra crossing, while the majority of the neighbouring properties on either side of Clacton Road have vehicle accesses. Clacton Road is classed as a local road in the County's Route Hierarchy. The dwelling will provide adequate room and provision for off-street parking for the size of property, 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.      As indicated on drawing no. 0464/PL/11 Rev. A, and prior to first use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2.      As indicated on drawing no. 0464/PL/11 Rev. A, and 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 less than 3.6 metres (equivalent to 4 drop kerbs), 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.

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.

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 the applicant/agent refers to the County Councils Vehicle Crossing criteria via the website: <https://www.essexhighways.org/for-residents/vehicle-crossings-dropped-kerbs/vehicle-crossing-criteria>

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.

4: 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**

23/01756/FULHH	Proposed single storey rear extension.	Approved	30.01.2024
23/01783/FULHH	Proposed new drop kerb to give access to parking on front garden.	Current	

### **4. 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

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

### **NATIONAL:**

National Planning Policy Framework December 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

### **LOCAL:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL3 Sustainable Design  
LP3 Housing Density and Standards  
LP4 Housing Layout

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

## **6. Officer Appraisal**

### **Application Site**

The application site comprises of a two storey semi detached house located to the South of Clacton Road. The site is within the Settlement Development Boundary.

### **Proposal**

The application seeks planning permission for a new dropped kerb to give access to parking on the front garden.

### **Assessment**

#### **Visual Impact**

The proposal is considered to be of an appropriate design and appearance, the neighbouring properties have similar dropped kerbs therefore the proposal is not considered to be out of character with the street scene.

#### **Impact to Neighbours**

The proposal has no significant harmful impacts on neighbouring amenities. The immediate adjacent neighbouring dwellings both benefit from dropped kerb access. The proposal is therefore consistent with neighbouring properties. It is not considered that providing vehicular access to the frontage of the site would result in any significant harm in terms of noise disturbance to neighbouring properties given the small size of the site.

#### **Highway Safety and Parking**

Essex County Council Highways have been consulted on this application, their comments have been included in full above. They have no objection to the application. The proposal is therefore deemed acceptable in terms of highway safety.

The proposed dropped kerb will allow for off road parking in front of the dwelling to be utilised by the occupants.

### Other Considerations

St Osyth Parish Council have submitted no objections and there have been no other letters of representation received.

No details of hardsurfacing of the frontage have been provided so it is assumed that these will fall within the provisions of Schedule 2 Part 1 Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) of the General Permitted Development Order.

### Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm the proposal is recommended for approval.

## **7. Recommendation**

Approval - Full

## **8. Conditions**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

1:1250 scale Location Plan  
0464/PL/11 Rev A

REASON: For the avoidance of doubt.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3      **CONDITION:** As indicated on drawing no. 0464/PL/11 Rev. A, and prior to first use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

**REASON:** To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

4      **HIGHWAY ACCESS**

**CONDITION:** As indicated on drawing no. 0464/PL/11 Rev. A and prior to the 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 less than 3.6 metres , shall be retained at that width for 6 metres within the site measured from the nearby edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. The access shall then thereafter be retained.

**REASON:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

**NOTE/S FOR CONDITION:**

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

5      **ACCESS MATERIAL**

**CONDITION:** The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

**REASON:** In the interests of highway safety to prevent hazards caused by loose materials on the highway.

**NOTE/S FOR CONDITION:**

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works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

## 9. 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.

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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.

4: 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.

## 10. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**11. Notification of Decision**

<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