

SITE PLAN ATTACHED

13 WARLEYWOODS CRESCENT WARLEY BRENTWOOD ESSEX CM14 5JD

**PROPOSED DROPPED KERB/CROSS OVER TO PROVIDE VEHICULAR
ACCESS FROM CRESCENT ROAD**

APPLICATION NO: 20/01608/HHA

WARD	Brentwood West	8/13 WEEK DATE	4 January 2021
PARISH		POLICIES	CP1, T2,
CASE OFFICER	Mr Max Gibson	01277 312500	
Drawing no(s) relevant to this decision:	04/A; 01/B;		

The application has been referred to the Committee at the request of Councillor Sarah Cloke for the following reason(s):

The application would set a dangerous precedent resulting in the destruction of communal green space/ grass verge and change the character in the area

Illegal widening of path in front of property has been undertaken.

1. Proposal

The application was deferred from the meeting of 10th February to allow the Highway Authority to clarify their criteria on approval of applications for drop kerbs where the resident cannot confirm access between their property and the highway.

This application relates to the construction of a dropped kerb and cross over to provide vehicular access from Crescent Road to 13 Warleywoods Crescent. It should be noted the land outlined in red on plan 04/A has been marked as within the ownership of the applicant, as confirmed by the planning agent in email correspondence. The land outside of the ownership of the applicant, outlined in blue, is in the ownership of Brentwood Borough Council (the grass verge) and Essex Country Council (the pavement and kerb).

Furthermore, amended plans (04/A and 01/B) were submitted to illustrate the ownership of land as claimed by the applicant.

2. Policy Context

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy T2 New Development & Highway Considerations

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public opened in December 2020, concentrating on strategic matters, with other hearings due in February 2021, as set out in draft timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council later in 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

3. Relevant History

Not applicable.

4. Neighbour Responses

One neighbour objection was received summarised below:

Whether this permission would allow similar proposals along Warleywoods Crescent, will the driveway form part of the land ownership of No. 13, loss of local parking provision.

5. Consultation Responses

- **Great Warley Conservation Society:**

No comment received.

- **Highway Authority:**

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal includes a new vehicle crossover to provide access to an area within the applicant's curtilage for off-street parking, therefore:

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

1. 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 3.6 metres and shall be retained at that width to the site boundary. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge and Brentwood Borough Council land.

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.

2. 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:

o If planning permission is granted, the proposed dropped kerb will be installed adjacent to an area of carriageway that has a Traffic Regulation Order to enable a resident permit parking scheme. The parking bay is identified by markings on the carriageway.

The applicant should be made aware that a motorist will be able to park in the parking bay legally. You can apply to remove a relevant part of the parking bay under our Traffic Regulation Order process, which will require an additional fee and costs to complete the removal works. However, as this procedure goes through a consultation process there is no guarantee the parking bay can be removed.

- The new driveway and dropped kerb will cross land owned by the Council. The applicant will require the grant of an access licence to cross the Council's land once all necessary consents and planning permission have been obtained.

- The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

- All 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:

- SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

6. Summary of Issues

Planning permission is sought for a dropped kerb and cross over at 13 Warleywoods Crescent, Warley.

Design, character and appearance

The proposal would include hardstanding of part of the grass verge in front of the application dwelling to join Crescent Drive. It is noted that there is a mirror access at the adjacent dwelling No. 12. The proposal would retain a strip of grass between the tarmac used for access at No. 12 as well as to the other side, the crossover has been reduced in width to 2.5 metres to minimise the impact of the crossing on visual amenity and is also adjacent to an existing access on the grass verge which is limited in depth compared to the dwellings to the East. Due to these factors, it is considered that on balance the proposal would have an acceptable impact on visual amenity and therefore complies with policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan (BRLP) and the NPPF.

Highway considerations

The proposed dropped kerb would extend to a maximum width of 3.6 metres with a 2.5-metre-wide crossover. The Highway Authority have raised no objections, subject to conditions, however, have noted that the access leads out on to a Traffic Regulation Road carriageway to enable a resident permit parking scheme. The proposal would not therefore result in the loss of an on street parking space along Warelywoods Crescent, as a separate application to the Highway Authority through the Traffic Regulation Order would be required to remove this parking bay. Furthermore, if permission were granted by the TRO to remove the on-street parking bay this would only amount to the loss of one space which would be negated by the additional off street parking spaces provided on the driveway of No.13. The proposal would therefore not amount to a loss of parking within Warleywoods Crescent.

Update:

Following the meeting on the 10th February, the Highway Authority have provided additional information:

Where a drop kerb is requested onto an unclassified road Essex Highways need to be satisfied the applicant would not be crossing third party land. Crescent Road is a classified road (Class III) and therefore a planning application is required, but access between the applicant's property and the public highway does not need to be indicated.

In terms of assessing the application, the Highway Authority must consider the safety of the proposed access. This particular application happens to be right next door to an almost identical access at no 12 Warleywoods. This clearly sets a precedent (referring to Highway consideration of an access) and given that there have been no recorded road traffic incidents in this location over the last 5 years, there is nothing to consider the proposed access would be unsafe.

In terms of land ownership, I understand that the area between the dwelling and the highway belongs to Brentwood BC. It is therefore a matter for Brentwood whether to allow access across its land or not.

In terms of the applicant obtaining a license for the use of land under BBC ownership and removal of an on street residents parking space, officers advise:

If the planning application were to be viewed favourably then it would be the responsibility of the applicant to seek appropriate permission or licence from the relevant authority. Whether a licence is granted for use of the land, or the bay removed from the permit scheme, this does not preclude the LPA from making a decision on this planning application. Should development permitted by the planning application be

constructed without seeking the necessary permissions, it would fall to the relevant parties to seek redress.

Other matters

In the event of permission being granted, it does not convey ownership of the land on which the crossover would be constructed to the applicant. As outlined in the informative an additional license will be required for access to be obtained from the Council, as would be the case for surrounding residents. The comment regarding 'precedent' being set should this application be approved should be discounted as it is a recognised planning tenet that each application is assessed on its own merits.

In regard to the ownership of land, section 12 of the application form has been completed and signed. This has also been confirmed by the planning agent.

Conclusion

The proposal is not considered to result in unacceptable harm to the character of the surrounding area. The proposal therefore complies with policies CP1 and T2 of the BRLP and the NPPF.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U37791

The material used to hard surface the existing grass verge shall match that of the adjacent hard surface.

Reason: In order to safeguard the character and appearance of the area.

4 U37792

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 3.6 metres and shall be retained at that width to the site boundary. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge and Brentwood Borough Council land.

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 T2 of the BRLP.

5 U37793

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 T2 of the BRLP

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

4 INF22

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.

5 INF15

All 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: SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

6 U07406

The applicant should be aware that the proposed dropped kerb will be installed adjacent to an area of carriageway that has a Traffic Regulation Order to enable a resident permit parking scheme. The parking bay is identified by markings on the carriageway. A motorist will be able to park in the parking bay legally. You can apply to remove a relevant part of the parking bay under our Traffic Regulation Order process, which will require an additional fee and costs to complete the removal works. However, as this procedure goes through a consultation process there is no guarantee the parking bay can be removed.

7 U07407

The new driveway and dropped kerb will cross land owned by the Council. The applicant will require the grant of an access licence to cross the Council's land once all necessary consents and planning permission have been obtained.

8 U07408

The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

9 U07409

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

BACKGROUND DOCUMENTS

DECIDED:

