



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Tim Snow Architects 9A High Street Brightlingsea Colchester Essex CO7 0AE	APPLICANT:	Mr Prior 1 New Bungalows Jaywick Lane Clacton On Sea Essex CO16 7BE
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00015/FUL **DATE REGISTERED:** 22nd February 2021

Proposed Development and Location of Land:

**Proposed construction of one bedroom dwelling house.
42 Kingsman Drive Clacton On Sea Essex CO16 8UR**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 requires all new development to make a positive contribution to the quality of the local environment and protect or enhance local character. Saved Policy HG3 seeks to ensure development of infill plots should be of a scale, design, density and character of the local area. These requirements are detailed with emerging Policies SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

The proposed dwelling, by reason of its scale and siting beyond of the notional building line on Hudson Close, would appear as an overly dominant and incongruous feature on a prominent corner plot. This would be out of character in the context and appearance of the immediate street scene and locality and the contribution such plots make to the area. Therefore, the proposal would be harmful to the street scene and the character of the area contrary to Policies QL9, HG3 of the Saved Tendring District Local Plan 2007 and policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), together with Paragraph 127 of the NPPF.

- 2 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness

should be promoted and reinforced.

Policy EN1 of the adopted Tendring District Local Plan (2007) and Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to protect and, wherever possible, enhance the quality of the district's landscape. Requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement.

Adopted Policy QL9 of the Tendring District Local Plan (2007) states that designs should incorporate existing site features such as trees. Adopted Policy QL11 of the Tendring District Local Plan (2007) states developments should not lead to a material loss of features of landscape value. These policy directions are continued in the emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) that specifically seeks to ensure that development is appropriate in its locality, does not harm the appearance of the landscape and protects existing landscape assets.

The existing Gleditsia tree on site has a high visual amenity value and is in good condition. It has been made the subject of a new Tendring District Council Tree Preservation Order ref; 21/03/TPO. As the proposed development would involve the loss of this protected tree. The application is contrary to adopted Policies EN1, QL9, QL11 of the Saved Tendring District Local Plan 2007 and Local Plan policies SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), together with Paragraph 127 of the NPPF.

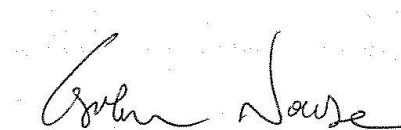
- 3 Paragraph 108 and 109 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policies TR1a and QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The application fails these policies in the following regards:
- a) The proposed vehicle access is located too close to the junction with Hudson Close and would fall within the junction radius, this would result in an unacceptable degree conflict, risk, and hazard to all highway users to the detriment of highway safety.
 - b) The access is situated in an unacceptable arrangement in the street by crossing the radius kerbs of the junction such that vehicle manoeuvres on and off the hardened area are unexpected in relation to other road users including pedestrians and would potentially cause unnecessary conflict with other vehicles entering and exiting Hudson Close as well as the proposed vehicle access.
 - c) This proposal would introduce additional slowing and turning movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.
 - d) The proposed 1.8-metre-high boundary fence running along the back of the 1.5-metre-wide footway on Hudson Close would obstruct the 2.4 metre minor distance visibility splay required to the existing and adjacent vehicle accesses to

the north of the plot. This would result in increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.

The access arrangements have deficiencies in geometric layout and visibility which is not in accordance with current safety standards. The deficiencies in access arrangements would result in an unacceptable degree of hazard to all highway user to the detriment of highway safety. The development is therefore considered contrary to Paragraph 108 and 109 of the National Planning Policy Framework 2019. Saved Policies TR1a and QL10 of the adopted Tendring District Local Plan 2007 and draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

DATED: 23rd April 2021

SIGNED:



Graham Nourse
Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

RA4 Housing Development Within Defined Villages

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SP7 Development and Delivery of New Garden Communities in North Essex

SP3 Meeting Housing Needs

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The Highway Authority may consider a revised proposal that re-locates the proposed vehicle access to the north of the plot coming off Hudson Close (the parking space must have a minimum depth of 5 metres from the back of footway) and retaining the 2.4 metre minor distance visibility splay required to the existing and adjacent vehicle accesses to the north of the plot on Hudson Close.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.