

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	22/04/2021
Planning Development Manager authorisation:	JJ	23/04/2021
Admin checks / despatch completed	DB	23.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	23/04/2021

Application: 21/00015/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Prior

Address: 42 Kingsman Drive Clacton On Sea Essex

Development: Proposed construction of one bedroom dwelling house.

1. Town / Parish Council

No Comments Received.

2. Consultation Responses

UU Open Spaces
02.02.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 21/00015/FUL

Site Address: 42 Kingsman Drive Clacton on Sea Essex CO15 3SL

Description of Development: Proposed construction of one bedroom dwelling house.

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. This is broken down as follows:

Recommendation

Although there is a deficit of play space in Clacton/Holland, it is not felt that this development would impact, the current deficit. Therefore, no contribution is being requested on this occasion.

Building Control and
Access Officer
28.01.2021

No comments at this stage.

ECC Highways Dept
05.03.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions 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 October 2012. It is noted that the proposal provides one parking space in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, however:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. 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.
2. 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.
3. 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.
4. 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 proposal is therefore contrary policies DM1 and DM6 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note:

- 1: 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.

Landscape Officer
17/03/2021

The application site currently forms part of the residential curtilage of the host property. There are two trees situated on the land that both currently make a positive contribution to the appearance of the public realm.

The tree closest to the front of the property is a Maple that features prominently in the street scene and makes a positive contribution to

the amenity of the locality. However the main stem of the tree is bifurcated at approximately 1.5m from ground level and there are large pruning wounds on the main stem where branches have been removed.

The second tree is a Honey Locust – *Gleditsia tricanthos*. This tree also makes a positive contribution to the amenity of the locality and is in good condition. From a visual inspection from the ground the tree is in good condition and has no obvious structural defects.

The position of the proposed dwelling is such that both trees would need to be felled to facilitate the development proposal.

Despite its amenity value the condition of the Maple tree is such that it does not merit formal legal protection.

The *Gleditsia* has 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

No other significant vegetation will be adversely affected by the development proposal.

Should planning permission be likely to be granted there appears to be little scope for new soft landscaping associated with the development proposal.

3. Planning History

21/00015/FUL	Proposed construction of one bedroom dwelling house.	Current
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4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

NPPG 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

Section 1 of Tendring District Local Plan 2013-2033 and Beyond

Policy SP1 – Presumption in favour of sustainable development

Policy SP7 – Place shaping principles

SP3 Meeting Housing Needs SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

PPL4 Biodiversity and Geodiversity

LPG Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also 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 national policy. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The site is a parcel of land between the gable of 42 Kingsman Drive and Hudson Close to the west. The plot falls on the corner of Hudson Close and Kingman Drive and measures some 140 sq m.

The host site is within an established housing estate of very similar two storey houses mostly terraced and semi-detached in nature from circa 1970's. The buildings are of simple brick construction under concrete tiles roofs, some with tile hanging to the principal elevations. Most of the gardens, front and back, are modest in size and parking is found the front of the dwellings.

The building is not Listed and not within a Conservation area.

Proposal

This full application is for the construction of a two storey, one-bedroom house on land to the side of 42 Kingsman Drive. The applicant is the owner of 42 Kingsman Drive.

The design follows that of the establish housing picking up on the brickwork and tile hanging details. The heights and the roof pitched are the same as the existing. The proposed house is an extension of the existing terrace and set back slightly from the frontage.

The floor area of the proposed house is 66 square metres. One car parking space is provided, and the garden size is 50 square metres. The size of the garden of No 42 is not affected by these proposals.

The proposed dwelling would be 6m wide, having a maximum depth of 6.5m. The dwelling would have a eaves of 5m and a ridge of 7.3m. The proposed dwelling would be set some 1.3m from the side boundary to the west that this the pavement of Hudson Close. The rear garden area would be some 0.5m from the pavement edge.

The main planning considerations are:

- a) Principle of Development
- b) Appearance of design, including scale and layout, general visual amenity
- c) Impact to neighbours
- d) Vehicular access and parking
- e) Landscape
- f) Legal Obligation – Recreational Impact Mitigation
- g) Legal Obligation – Open Space/Play Space Contribution

a) Principle of Development

The site lies within a Settlement Boundary for Clacton On Sea as defined in the adopted Tendring District Local Plan (2007). The area has been taken out the settlement hierarchy of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), effectively making the area Countryside.

Policy QL1 states that, whilst most new development will be concentrated at the larger urban areas, one of which is the Clacton On Sea. The proposal is therefore acceptable with regard to Policy QL1.

Policy QL2 states that all new development proposals should be located and designed to avoid reliance on the use of the private car and promote travel choice. The site is a walk of some 1600m to Clacton on Sea train station, also there are bus stops some 100m away. Realistic alternatives to accessing services other than by using a car would be available to occupiers of the proposed dwelling and accordingly the proposal is acceptable with regard to Policy QL2.

The site, being formed from curtilage of an existing property, would make effective use of brownfield land. As such the proposal is in accordance with guidance in the NPPF and accords with Policy HG1 in that housing provision would be on previously developed land.

Saved Policy HG3 of the adopted Tendring District Local Plan (2007) deals with residential development within defined settlements stating that, residential development will be permitted provided it satisfies amenity, design, density, environmental and highway safety as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL 2 states that within the settlement development boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.

b) Appearance of design, including scale and layout, general visual amenity

Policy QL9 requires all new development to make a positive contribution to the quality of the local environment and protect or enhance local character.

Policy HG3 is concerned with residential development within defined settlement boundaries. Proposals for development of infill plots should ensure that the scale, design, density and character of the local area. Policy SP7 of the recently adopted section 1 of the TDC Local Plan to 2033 reinforces these objectives.

The design of the proposed building is not objectional. The recessed nature of the front building line and the ridge being lower than the host dwelling results in a suitably subordinate appearance to the host.

Vehicular access would be onto Kingsman Drive. There would be no significant material disturbance or loss of privacy to the occupiers of host dwelling or any other residential property as a result of this arrangement.

However, the siting of the proposed dwelling will extend the existing terrace forming an end terrace on a corner plot. The proposed dwelling would project forward of the notional building line of Hudson Close immediately north of the application site. The reason the site would have been laid out with a larger side garden is to create a sense of space in this heavily built up area. This is considered important that this part of the development, so the overall streetscape would not appear cramped. Therefore, as a consequence of the width of the proposal, it is considered that the dwelling would appear out of character with the pattern of development locally and is considered harmful to the street scene and appearance of the wider area.

Whilst in isolation, the design of the building would respect the character of the terrace and the surrounding area. The siting beyond the notional building line of the terrace to the

immediate north of the application site, on a prominent corner plot, would result in an incongruous and overly dominant feature. This would fail to integrate with the existing pattern of development where this plot makes an important contribution towards a sense of openness within the estate ensuring that this part of the estate does not appear cramped.

The proposal is considered to fail Policy QL9, SP7 and HG3.

A side isolation space of approximately 1.3m of the host dwelling to the pavement and 0.5m from the garden fence would not be sufficient to retain sufficient levels of open space on this prominent corner plot. The proposal would fail to accord with Policy HG14.

The host dwelling would retain a private amenity area of some 120 sq m. The proposed dwelling has some 50sq m to the rear. Both these areas are considered acceptable for the two dwellings. The proposal would meet Policy HG9 in that a private amenity space is acceptable.

c) Impact to neighbours

Policies QL10 and QL11 are concerned with such matters as ensuring adequate daylight, outlook and privacy and of not having a materially damaging impact on other amenities of neighbours of nearby properties.

The single ground floor side facing window can be of obscure glazing, while the single habitable space (Dressing area) to the rear can only overlooks the front garden / parking area of 2 Hudson Close. This arrangement is no worse than the current views from the host dwelling towards the neighbouring property to the north.

The proposal is considered acceptable with regard residential amenity concerns. The proposal accords with Policies QL10 and QL11.

d) Vehicular access and parking

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.

There is a single parking space provided. The proposal would meet an adopted parking standard.

However, the local highway authority has confirmed in writing an objection in principle to the proposal for the following reasons:

1. 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.

2. 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.

3. 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.

4. 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 proposal is therefore contrary policies TR1a and QL10 of the Adopted Local Plan, SPL3 of the emerging local plan and paragraphs 108 and 109 of the NPPF 2019.

e) Landscape

Policy EN1 of the adopted Local Plan and Policy SPL3 in the emerging Local Plan 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 states that designs should incorporate existing site features such as trees. While adopted Policy QL11 states developments should not lead to a material loss of features of landscape value. Adopted policy SP7 in the TDC Local Plan to 2033 reinforces these principles.

The proposal involves the loss of two trees to the side of the host dwelling.

The Landscape officer has commented that these two trees both currently make a positive contribution to the appearance of the public realm.

The Landscape officer has concluded:

'The tree closest to the front of the property is a Maple that features prominently in the street scene and makes a positive contribution to the amenity of the locality. However, the main stem of the tree is bifurcated at approximately 1.5m from ground level and there are large pruning wounds on the main stem where branches have been removed.

The second tree is a Honey Locust – Gleditsia tricanthos. This tree also makes a positive contribution to the amenity of the locality and is in good condition. From a visual inspection from the ground the tree is in good condition and has no obvious structural defects.

The position of the proposed dwelling is such that both trees would need to be

*felled to facilitate the development proposal.
Despite its amenity value the condition of the Maple tree is such that it does not merit formal legal protection.*

The Gleditsia has 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

No other significant vegetation will be adversely affected by the development proposal.

Should planning permission be likely to be granted there appears to be little scope for new soft landscaping associated with the development proposal.'

As the proposed development would involve the loss of a protected tree. The application is considered contrary to adopted Policies EN1, QL9, QL11 and SP7 (of the new Local Plan to 2033 – section 1) and also emerging policies SPL3 and PPL3.

f) Legal Obligation – Recreational Impact Mitigation

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating "no alternatives" and "reasons of overriding public interest". There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

A unilateral undertaking is required to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of nearby European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL 4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

A unilateral undertaking to secure the required financial obligation has been completed.

g) Legal Obligation – Open Space/Play Space Contribution

Policy COM6 in the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP 5.

However, no contribution is being requested from Open Spaces on this occasion.

5. Reasons for Refusal

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 on to 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 of the 2007 Local Plan seeks to ensure development of infill plots should be of a scale, design, density and character of the local area. Adopted Policy SP7 of section 1 of the Tendring District Local Plan 2013 – 2033 reinforces the importance of place shaping principles. Design 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, adopted Policy SP7 of section 1 of the Tendring District Local Plan 2013 – 2033, 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 on to 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. Policy SP7 of section 1 of the Tendring District Local Plan 2013 – 2033 states development proposals should protect and enhance assets of natural value and should enhance public realm through additional landscaping; 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, Policy SP7 of section 1 of the Tendring District Local Plan 2013 – 2033 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 of 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.

6. Informatives

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.

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