



AGENT: Stour Valley Design
Swan Corner
Mill Lane
Bradfield
Essex CO11 2UT

APPLICANT: Mr Anthony Lungley
Venns
Harwich Road
Wix
Manningtree
Essex
CO11 2SA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/02040/OUT

DATE REGISTERED: 13th December 2022

Proposed Development and Location of Land:

**Outline Planning Application (all matters reserved) for the re-development of site for 1no. replacement dwelling and 1no. additional dwelling (2no. dwellings in total).
Venns Harwich Road Wix Manningtree**

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

1 INTENSIFICATION OF ACCESS USE - FAILURE TO DEMONSTRATE VISIBILITY

Paragraph 110 of the National Planning Policy Framework 2023 (NPPF) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable. Policy CP2 of the Tendring District Local Plan 2013-2033 states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety.

The proposed development will result in the intensification of use of the site access. Therefore, in this location visibility splay dimensions of 2.4m x 43m must be provided to accord with Manual for Streets stopping sight distance for a 30mph speed limit. The application fails to demonstrate that visibility splays can be achieved in accordance with standards. Moreover, visibility to the east is obstructed by a neighbouring property that is positioned approximately 1 metre from the edge of the carriageway.

Therefore, any intensification of use would be hazardous to vehicles travelling along Harwich Road, Wix and vehicles egressing the site access. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety, and contrary to paragraph 110 of the NPPF and the above mentioned policies.

DATED: 22nd December 2023

SIGNED:

John Pateman-Gee
Head of Planning and Building Control

IMPORTANT INFORMATION :-

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

National:

National Planning Policy Framework July 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP8 Backland Residential Development
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Manual for Streets

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Received	Drawing No.	Document Title
23 Jan 2023	-	Site Access Photos Provided by Agent
23 Jan 2023	62-2021-03P	Amended Plot 1 Proposed Elevations and Floor Plans
23 Jan 2023	62-2021-04P	Amended Site Plan, Plot 2 Proposed Elevations and Floor Plans
01 Aug 2023	62-2021-01PB	Amended Existing Block Plan
01 Aug 2023	62-2021-02PC	Amended Proposed Block Plan
07 Aug 2023	62-2021-01PC	Existing Site & Location Plan
07 Dec 2022	-	Design And Access Statement
07 Dec 2022	-	Design And Access Statement Photos
07 Dec 2022	-	Aerial Site Plan

The application is also accompanied by a completed Unilateral Undertaking securing the required contribution in compliance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

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 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.](https://www.gov.uk/planning-inspectorate)

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.