

Tendring
District Council



Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

AGENT: Wincer Kievenaar - Wincer
Kievenaar Architects Ltd
2 Market Place
Hadleigh
IP7 5DN

APPLICANT: North Essex Homes
Construction Limited
Unit 3 Birchwood One
Business Park
Dewhurst Road
Birchwood
Warrington
Cheshire
WA3 7GB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00367/VOC

DATE REGISTERED: 8th March 2024

Proposed Development and Location of Land:

Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 1 (Approved Plans and Documents) of application 22/01920/DETAIL to enable/allow changes due to revised drawings. Sato UK Ltd Valley Road Dovercourt

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 18/02109/OUT (allowed at appeal Reference - APP/P1560/W/20/3246908) in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 1 Paragraph 135 of the NPPF (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

In this instance, the revised layout proposes an increase in areas of hard surfacing and the removal of key sections of landscaping and tree planting. This is particularly noticeable within the area at the western end of the site, which was previously a planted island feature within the development and is now shown as predominantly paved parking areas. Moreover, at the eastern end of the development the pockets of planting previously approved, which provided a softened entrance into the site, have been removed and the re-location of parking bays to the front of plots 38-42 has resulted in a negative impact upon the aesthetics of the development at its entrance.

As such, the significant increase in hardstanding combined with the removal of areas of planting and the relocation of parking bays to the front of properties represents a detrimental impact and would result in an overly engineered and car dominant

development which would not represent a high standard of urban design and fail to create a sense of place, contrary to the aims and aspirations of the aforementioned local and national planning policies.

- 2 Paragraph 114 of the National Planning Policy Framework (2023) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 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.

In this instance it has not been sufficiently demonstrated that the proposal would be acceptable in terms of highway safety and efficiency compared with the previous internal layout drawing associated with application: 22/01920/DETAIL. In particular, the proposal would lead to the creation a number of substandard shared accesses onto the main spine road where the lack of suitable visibility from the proposed accesses and parking bays, for both emerging and approaching vehicles, would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety and contrary to the aforementioned local and national planning policies.

- 3 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible. Local Plan Section 2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation. Policy PPL3 states that the Council will protect the rural landscape.

The application is not supported by sufficient information in relation to the existing trees on, and adjacent to the site. Therefore, the application fails to demonstrate that the development proposal will not cause harm to the trees that contribute positively and provide an important screening function, thus being contrary to Paragraph 136 of the NPPF and Local Plan Policies PPL3 and LP4.

DATED: 6th June 2024

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:

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.

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):

- PA_25
- PA_24
- PA_23
- PA_22
- PA_21
- PA_20
- PA_19
- PA_18
- PA_17
- PA_16
- PA_15
- PA_14
- PA_13
- PA_12
- PA_11
- PA_10
- PA_09
- PA_08
- PA_07
- PA_06
- PA_05
- PA_04
- PA_03
- PA_02
- PA_01
- 2310-865-027
- 2310-865-026
- 2310-865-025
- 2310-865-021
- 2310-865-020
- 2310-865-015
- 2310-865-010
- 2310-865-001

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.