

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ML	04/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	JJJ	06/06/2024
Team Leader authorisation / sign off:		JJJ	06/06
Assistant Planner final checks and despatch:		ER	06/06

Application: 24/00367/VOC **Town / Parish:** Harwich Town Council

Applicant: North Essex Homes Construction Limited

Address: Sato UK Ltd Valley Road Dovercourt

Development: 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.

1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects to this application on the grounds of access/egress concerns as well as the development being an additional strain on the local infrastructure.

2. Consultation Responses

Environment Agency
04.04.2024

This application (24/00367/VOC) is to vary condition 1, which is worded in the planning appeal (ref: 20/00020/REFUSE) decision document as follows:

"Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved."

Therefore, as these are not relevant to our previous recommendations of planning conditions in our previous response references AE/2019/123692/02 in the outline application reference 18/02109/OUT (refused, but relevant to the appeal decision 20/00020/REFUSE / APP/P1560/W/20/3246908) and AE/2022/127789/01 in the reserved matters application 22/01920/DETAIL.

However, it has been observed that Condition 6 (land contamination conditions) have been approved for discharge in applications 22/01806/DISCON and 22/01151/DISCON without consulting the Environment Agency, despite us recommending these conditions in our correspondence referenced above. Therefore, if these planning conditions have already been discharged without consulting the Environment Agency, all responsibility for this decision lies with Tendring District Council.

It is noted that outstanding conditions 7 (piling) as well as 15 and 16 (surface water drainage) are also of relevance to the Environment Agency as these conditions were also recommended in our previous

correspondence, and all of these conditions could be affected by outstanding land contamination issues if they are unacceptable to the Environment Agency.

To ensure that any outstanding issues are adequately addressed, we suggest that the applicant and the Local Authority both re-review our correspondence which is referenced above, to ensure the correct documentation is submitted when submitting discharge of condition applications for conditions 7, 15 and 16.

ECC Highways Dept
30.05.2024

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

1. The applicant has not 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.

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 for both emerging and approaching vehicles and would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

2. The alignment of parking bay adjacent to plot 17 is directly parallel to the spine road with no footway and would require oblique vehicle manoeuvres with restricted visibility. Of particular concern is the close proximity to the entrance to the shared parking area that also serves plots 14 to 16 and reversing out onto the main spine road with restricted visibility, which would be detrimental to the safety for all highway users.

If permitted this would set a precedent for future similar proposals which would lead to inappropriate parking detrimental to the general safety of all highway users.

The proposal is therefore contrary to policy DM1, DM6 and DM7 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

i) Plots 1 to 5: The proposed lay-by restricts the visibility splay for the parking area serving these plots:

ii) Plots 38 to 42: Similarly with the proposed parking for these plots will restrict the visibility from the parking court serving plots 36 and 41.

iii) Plots 14 to 18: The proposed visitor parking restricts the visibility from the parking drive serving these plots.

iv) Plot 17: The angle and position of the parking area for plot 17 would impact on the private drive and visibility out of the shared private drive and would require oblique vehicle manoeuvres with restricted visibility.

v) General comments:

- It is unclear whether any traffic calming measures are included within the revised design compared with the previous proposal, the

layout would need to comply with a 20-mph zone.

- The visibility splays should be provided for the shared accesses off the main spine road. Clear to ground visibility splays of 2.4-metres x 25-metres (in both directions) in 20mph (30kph) zones, as measured from and along the nearside edge of the carriageway.
- Any footway adjacent to a ramp must go beyond the ramp (Plot 13, Proposed Site Plan).
- Areas where there is no footway being provided adjacent to the carriageway (a shared surface) a half a metre 'no build zone' will need to be provided and hard surfaced.

The applicant should be invited to provide such additional information as listed above, upon receipt of which would enable further consideration to be given to the application.

ECC SuDS Consultee
10.04.2024

Thank you for your email of 18/03/24 which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the flood risk to the development. Please provide information as required within the ECC SuDS design guide:
<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;

- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Waste Management 02.04.2024	All bin presentation points to be a maximum of 25 metres drag distance to waste collection vehicle for properties individual 180/240 litre wheeled bins for residual waste or recycling.
	Access road to be suitably constructed for 2.5 metre wide, 26 tonne waste collection vehicles.
Environmental Protection 19.03.2024	With reference to the above VOC application, I can confirm the EP Team have no further comments to make. However, if I have missed something on this, do let me know.
Anglian Water Services Ltd 18.03.2024	The plans submitted with the application are related to house types and elevations plans and private drainage construction details and therefore this application is outside of Anglian Water jurisdiction to comment. We are unable to make comments on private drainage construction.

3. **Planning History**

15/01549/OUT	Hybrid application consisting of: Full application for a replacement factory on northern component of site (following demolition of existing office). Outline application for up to 38 residential units on southern component of site.	Approved	06.05.2016
16/00768/DISCON	Discharge of condition 7 (vehicular turning facility) and 8 (discharge of surface water) relating to the full permission and part discharge of condition 22 (materials), 23 (site levels), 24 (surface water drainage), 25 (off site flooding) and 30 (construction method statement) relating to the full and outline permission of the hybrid application approved under reference 15/01549/OUT.	Approved	21.09.2016
16/00790/OUT	Variation of condition 2 of planning permission 15/01549/OUT to vary the design of the factory and reduce the number of car parking spaces provided.	Approved	19.09.2016
16/00791/FUL	New swale and retaining wall.	Approved	11.10.2016
17/00370/OUT	Variation of condition 2 of planning	Approved	16.05.2017

	permission 15/01549/OUT to vary the design of the factory and the number of car parking spaces provided.		
18/02109/OUT	Demolition of existing redundant factory and outline application with all matters reserved with the exception of access for up to 42 residential units.	Refused (Allowed Appeal)	on 17.01.2020
22/01151/DISCON	Discharge of condition 6 (Site investigation of the nature and extent of contamination) of application 18/02109/OUT.	Approved	16.08.2022
22/01587/DISCON	Discharge of condition 8 (Demolition Management Plan and Construction Management Plan) of application 18/02109/OUT (granted on appeal under ref: APP/P1560/W/20/3246908).	Approved	12.10.2022
22/01806/DISCON	Discharge of conditions 6 (site investigation of the nature and extent of contamination) and 17 (Biodiversity Enhancement Strategy) of application 18/02109/OUT (granted on appeal under ref: APP/P1560/W/20/3246908).	Approved	28.11.2022
22/01920/DETAIL	Reserved matters application for the demolition of the existing redundant factory with the erection of 42 residential units on the site, considering details of appearance, landscaping, layout and scale, pursuant to outline application 18/02109/OUT, approved on appeal under APP/P1560/W/20/3246908 and subsequent S73 application 23/00242/VOC.	Approved	03.04.2023
23/00242/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 9 (Arboricultural Impact Assessment) of appeal decision for 18/02109/OUT to align with 22/01920/DETAIL in terms of soft landscaping.	Approved	29.03.2023
24/00367/VOC	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.	Current	

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory

Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no emerging or adopted neighbourhood plans relevant to this location.

6. Relevant Policies / Government Guidance

National:

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

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

Local:

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (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 & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable and Council Housing
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the western side of Valley Road within the settlement of Dovercourt. The site has been cleared but previously accommodated a large redundant factory building occupied by Sato (UK). They have vacated the factory and re-located to a new purpose-built unit directly to the north of the application site.

The site is bordered by residential properties to the south, east and west. Along the southern and western boundaries of the site are areas of trees/vegetation which are predominantly conifers.

Proposal

This application seeks permission under Section 73 of the Town and Country Planning Act for the variation of conditions 1 (Approved Plans and Documents) of application 22/01920/DETAIL to enable/allow changes due to revised drawings.

The revisions primarily relate to alterations to the design of the dwellings and changes to the layout, including the road layout (compared to the original reserved matters approval), and to re-configure the parking arrangements and landscaping provision.

The applicants have confirmed that all the units are now allocated for affordable housing/housing association and changes proposed are requirement to suit the housing associations requirements.

Principle

The principle of residential on this site has already been established under the granting of planning permissions 18/02109/OUT (Appeal Reference - APP/P1560/W/20/3246908) and 22/01920/DETAIL.

Matters therefore turn to the merits of the changes proposed, which are assessed below.

Layout/Design

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.

As stated above, the main changes to the development pertain to the slight re-design of the properties to accord with the requirements of the housing association and significant revisions to the layout to relocate parking areas within the development and to remove areas of landscaping. In particular the revised layout proposes an increase in areas of hard surfacing and the removal of 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. 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.

In summary, the significant increase in hard standing 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, contrary to the aims and aspirations of the aforementioned local and national planning policies.

Residential Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The changes to the layout would see the units proposed along the southern boundary of the site move slightly further northwards, which would improve the relationship with the existing dwellings to the south along Ramsey Road. The units arranged western boundary largely stay in the same location as previously approved, so the impacts here remain the same.

There would be no windows located in the south facing side elevations of the properties facing south, thereby preserving the existing resident's privacy. The dwellings to the west end of the site still retain sufficient back-to-back distances to those existing properties to the west as to not cause any significant harm to resident's existing levels of privacy.

Highways

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.

ECC Highways have been consulted on the application and object on the basis that the applicant has not 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.

ECC-Highways confirm that 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, 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. Specifically, the alignment of the parking bay adjacent to plot 17 is directly parallel to the spine road with no footway and would require oblique vehicle manoeuvres with restricted visibility, resulting in a danger to all road users.

In addition, objections are raised regarding the proximity to the entrance to the shared parking area that also serves plots 14 to 16 and the potential for reversing out onto the main spine road with restricted visibility, which would be detrimental to the safety for all highway users. If permitted this would set a precedent for future similar proposals which would lead to inappropriate parking detrimental to the general safety of all highway users.

ECC-Highways also raise the following concerns regarding the layout changes;

- Plots 1 to 5: The proposed lay-by restricts the visibility splay for the parking area serving these plots:
- Plots 38 to 42: Similarly with the proposed parking for these plots will restrict the visibility from the parking court serving plots 36 and 41.
- Plots 14 to 18: The proposed visitor parking restricts the visibility from the parking drive serving these plots.
- Plot 17: The angle and position of the parking area for plot 17 would impact on the private drive and visibility out of the shared private drive and would require oblique vehicle manoeuvres with restricted visibility.

The proposal would therefore be to the detriment of highway safety and contrary to the aforementioned local and national policies.

Trees/Landscaping

The Council's Tree and Landscape Officer has been consulted, and has stated the following:

The site is currently cleared land adjacent to a new industrial building constructed to replace the recently demolished building on the application site.

There are no trees or other significant vegetation in the main body of the land, but the southern and western boundaries of the application site are well populated with established trees and hedging species. This vegetation currently provides a reasonable level of screening.

The southern boundary of the application site backs onto the rear boundaries of the dwellings in Ramsey Road and the western boundary abuts the rear boundaries of properties in Clayton Road. Consequently, the trees are not prominent features in the public realm and their visual amenity value

is relatively low. Nevertheless, they perform a valuable screening function.

In terms of the impact of the proposed changes in the site layout it appears that there are significantly fewer trees shown on the proposed site layout when compared with the number of trees shown on the approved site layout plan (soft landscaping detail were provided for the previously approved layout).

From the information provided it is not clear to what extent existing trees will be retained and what mitigation planting will be carried out to make good any harm caused by tree removal. Therefore, to show the extent of the constraint that existing trees are on the development potential of the land and to show how retained trees will be physically protected for the duration of the construction phase of any approved development the applicant will need to provide an Arboricultural Impact Assessment (AIA). This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations.

Also, the applicant should provide detailed soft landscaping proposals to show the nature and extent of new planting that will be carried out to soften, screen and enhance the appearance of the development. This information should be provided prior to the determination of the application.

There is therefore insufficient information at present to demonstrate that the development would not harm those trees present on the perimeters of the site or that a robust landscaping scheme can acceptably mitigate against the general layout objections outlined above.

Drainage

Whilst an objection has been received from the LLFA regarding the lack of a drainage scheme, a condition is included on the outline which secures the provision of drainage plan prior to any works above ground level.

Other Considerations

Harwich Town Council objects to this application on the grounds of access/egress concerns as well as the development being an additional strain on the local infrastructure.

(Officer Response - the principle of residential development on this site has already been established via the previously granting of planning permission. This application does not alter the quantum of units or the site access point). IN terms of access and egress, for the reasons set out in the paragraphs above officers share these concerns.

2 letters of objection have been received regarding the following points;

- it is unclear whether the boundary vegetation is being removed or retained;
- impact upon wildlife and stability of the bank if the vegetation is removed; and
- lack of infrastructure within the local area to cope with the additional dwellings.

(Officer Response - as noted above the Council's Tree Officer has confirmed that there is currently insufficient information to establish whether the southern boundary vegetation is being removed and whether the development revisions would have a harmful impact upon those trees being retained. This will therefore form a reason for refusal).

Conclusion

The application seeks revisions to the design of the properties previously approved and a re-configuration of the layout to relocate areas of parking within the development and to remove sections of soft planting.

Whilst the changes to the design of the properties are acceptable, the revisions to the layout result in the removal of key areas of planting and the relocation of parking areas predominantly to the front of dwellings. The revisions to the layout are to the detriment of the scheme both in terms of the

adverse impact upon highway safety and visual amenity. Moreover, the insufficient information has been provided to establish which trees/vegetation are being retained and the extent of the constraint that existing trees are on the development potential of the land.

The various areas of harm identified are considered to be overriding and the benefits of the scheme will fall considerable short of outweighing these areas of harm. Accordingly, the application is recommended for refusal.

8. Recommendation

Refusal - Reserved Matters/Detailed

9. Reasons for Refusal

- 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.

10. 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.

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

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO