



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Robin Bryer Princes Place Closworth Yeovil Somerset BA22 9RH	APPLICANT:	Nash & Sharpe Marine View Guest House 2 Edith Road Clacton On Sea Essex CO15 1JU
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00531/OUT **DATE REGISTERED:** 4th April 2018

Proposed Development and Location of Land:

**Outline planning application for the conversion to provide 15 bedsits/flats including the 4 bedsits/flats already established.
2 Edith Road Clacton On Sea Essex CO15 1JU**

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 Saved policy HG10 of the Tendring District Local Plan (2007) relates to conversions of buildings to flats and bedsits. This is a criterion based policy that aims to ensure that proposals for bedsits/flats do not adversely impact upon the character of the locality, are of sufficient standard to meet basic functional needs and are served by adequate parking, amenity and refuse facilities. Saved policy QL10 of the Tendring District Local Plan (2007) is also of relevance as it states that all new development should meet functional needs including adequate daylight, outlook and privacy for occupiers and the provision of private amenity space, waste storage, separation and recycling facilities and vehicle/cycle parking.

Saved policy HG9 concerns private amenity space and states that each unit should have a minimum of 25 sqm per unit provided communally or a 50 sqm private garden area for a ground floor unit and minimum balcony areas of 5 sqm for units above.

At paragraph 127 (f) the NPPF (2018) confirms that development 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.

The development proposes the conversion of the building into 15 separate residential units, the majority of which will be small 1 person bedsits. The 4 self-contained flats on the ground floor are to be divided to form 6 smaller units. Therefore overall an additional 11 units are proposed within the building.

Policy QL10 of the saved Tendring District Local Plan (2007) requires that the design of new development meets functional needs, including provision of private amenity space, waste storage/recycling facilities and cycle parking. Saved policy HG9 sets a standard of a minimum of 25m² of private amenity space per flat to be provided communally, which for this development would require an area of at least 375m².

Given that a further area would need to be found for the storage of residents' bicycles

and for waste and recycling bins, to comply with saved policy QL10, the amount of communal outside space available would fall substantially below that sought by saved policy HG9. The rear courtyard area providing the communal open space for the proposed flats would be dominated and over-shadowed by the main three-storey building. It would also be partly required for access to, and be overlooked by, the adjacent ground floor units.

The plans show the windows to the lounge and bedroom of unit 13, the existing dwelling at the rear of the site, triangulated to face away from the amenity space with obscure glazing to the other sides, to provide more privacy to and from the rear outside courtyard. However, this would be insufficient to provide a communal outside area of sufficient size and quality, in respect of privacy, sunlight and outlook, for the 15 flats.

Saved policy HG10 permits conversions to flats where this would not harm the living conditions of residents and the provision of amenity space meets the requirements of saved policy HG9. It is considered that the proposed 15 units would comprise an over-intense use of the property lacking an adequate amount and quality of communal outside space for the number of units proposed. Therefore the scheme would not provide acceptable living conditions for existing and future occupiers in conflict with the aims of local and national planning policies.

DATED: 2nd August 2018

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

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 July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

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

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP11 HMO and Bedsits

CP1 Sustainable Transport and Accessibility

PPL8 Conservation Areas

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

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.