



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Mrs Sandhya Sahadew
Bellevue
51 Church Road
Clacton On Sea
Essex
CO15 6BQ

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00521/FUL

DATE REGISTERED: 11th April 2018

Proposed Development and Location of Land:

Change from 10 bedroom residential care home to a HMO (10 individual rooms).

Bellevue 51 Church Road Clacton On Sea Essex

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

- 1 Saved policy ER3 of the adopted Tendring District Local Plan (2007) applies to all land in employment use. This policy states that land in employment use or allocated for employment uses will normally be retained for that purpose. Its re-development will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. This would normally be via a pre-agreed 12 month marketing campaign. The preamble explains that the objective behind the policy is in recognition of the fact that employment sites are hard to find and such a policy is needed to assist with economic regeneration and the need to maintain a balance between location of jobs and homes.

The National Planning Policy Framework (2018) at paragraph 80 states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

Saved policy ER3 allows for some flexibility if the applicant can demonstrate that the land or building is no longer viable or suitable for employment use. In those instances evidence is required including a sustained but ultimately unsuccessful marketing campaign.

In this respect no specific details of the required marketing campaign have been submitted. Furthermore, whilst there may no longer be a demand for a care home use it does not follow that there is no demand for an alternative employment use for the property or that it is unsuitable.

Without specific evidence being available in relation to the above, or any other evidence, it cannot be said at this stage that there is no demand for an alternative employment use or that the building is unsuitable for such a use. Consequently, in the absence of such evidence, there is conflict with Policy ER3 of the Local Plan.

- 2 The proposed development fails to provide off street parking facilities with dimensions in accord with the current Parking Standards. Saved Policy HG10 of the Tendring District Local Plan (2007) states that conversions of dwellings to flats/bedsit use will be permitted where highway safety is not adversely affected by arrangements for off-street parking. Emerging Policy LP11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) confirms that HMO's should be served by a minimum of 1 off-street car parking space per tenancy unit.

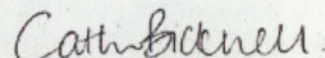
Furthermore, Saved Policy TR7 states that for all residential development the adopted car parking standards shall be applied. The standards state that for flats and dwellings a minimum of one parking space per unit should be provided. Saved Policy TR1a also states that proposals affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system.

In this instance, the proposal as submitted does not accord with current or emerging policy standards by reason of insufficient parking facilities. The provision of significantly fewer spaces than required would create additional parking in the highway, conflict with existing residents, and due to the increased braking and turning movements in the highway would increase the risk of collisions. Further, the site is approximately 1km from the railway station and services, and over 400m from bus stops and therefore lies outside the distance where a relaxation in parking standards may apply.

The proposal is therefore contrary to the interests of highway safety, and contrary to Saved Policies TR1a, TR7 and HG10 of the Tendring District Local Plan (2007) and Emerging Policy LP11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

DATED: 7th August 2018

SIGNED:



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

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG9 Private Amenity Space
- HG10 Conversion to Flats and Bedsits
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- ER3 Protection of Employment Land

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP11 HMO and Bedsits
- CP1 Sustainable Transport and Accessibility

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 reasons 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.