



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Rodney Sturdivant
Sturdivant Design
Consultants Ltd
Blackberry Cottage
Cranworth
Thetford
Norfolk
IP25 7SH

APPLICANT: AJ Woods Engineering Ltd SSAS
4 Exchange Quay

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00809/OUT

DATE REGISTERED: 21st May 2018

Proposed Development and Location of Land:

Construction of 14 self contained residential dwellings and associated parking.

Former Anchor Hotel 7 Stour Road Harwich Essex

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 The National Planning Policy Framework (2018) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 of the NPPF states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to the local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form whilst ensuring that development does not have a materially damaging impact on the privacy and amenity of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

Saved Policy HG9 states that for new dwellings provision should be made for functional needs including sufficient private amenity space provision. Saved Policy EN17 (Conservation Areas) states development will be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

In this instance the indicative plans submitted do not suitably demonstrate that the site could accommodate 14 properties in a manner which would leave sufficient

spacing to the existing properties to the south and provide each dwelling with adequate private amenity space. Furthermore, it is apparent from the level of development provided that the whole of the central courtyard would be devoted to drive and parking which would appear harsh and overly urban in form.

The site abuts the Harwich Conservation Area and the Scheduled Ancient Monument of the Battery. Furthermore, due to the siting of the land and its dual frontage it is a particularly prominent site that sits at the visually sensitive gateway into the core of Harwich. The need for a sympathetic and visually enhancing development is therefore paramount. In this case the indicative plans show a bland and visually uninspiring design that does not suitably demonstrate that 14 no. dwellings can be accommodated on the site without being over-development and harmful to the character and appearance of the locality and important views into, out of, or within the adjoining Harwich Conservation Area.

In addition, the closest residential properties to the development are sited to the south in Pepys Street. The back gardens of these properties back onto the application site. The indicative plans show the development sited hard up against the southern boundary of the plot which at full three storey level would have the potential to cause significant harm to the existing resident's amenity through loss of outlook when viewed from their rear garden areas.

To summarise due to the concerns identified above in respect of the absence of private amenity space, the spacing to nearby properties and the excessive level of hard surfacing required for parking/turning purposes, the development of the site for 14 no. dwellings is considered to represent over-development of the site that would be detrimental to the character of the locality, the conservation area setting and amenities of future residents which is contrary to the aims of the aforementioned local and national planning policies.

- 2 The proposed development is considered contrary to the National Planning Policy Framework (2018), saved Policy QL3 of the Tendring District Local Plan (2007) and draft Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site lies within Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. Paragraph 163, footnote 50 of the NPPF (2018) requires applicants for planning permission to submit a site-specific Flood Risk Assessment when development is proposed in such locations.

In this instance a Flood Risk Assessment has been requested by the case officer but has not been provided. The application therefore fails to identify and assess the risks of all forms of flooding to and from the development and fails to demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime taking climate change into account.

Saved Policy QL3 and draft Policy PPL1 state all development within flood zones 2 and 3 must be accompanied by a Flood Risk Assessment.

- 3 Saved Policy COM6 and Draft Policy HP4 require that for residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development shall be provided. A completed Unilateral Undertaking to provide the required financial contribution towards play provision has not been provided and the proposal is therefore contrary to Saved Policy COM6 and Draft Policy HP4.

DATED: 17th 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

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

EN17 Conservation Areas

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- 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.