



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Joe Moore - Northpoint
Architects
4 The Staithes
Watermark
Gateshead
NE11 9SN

APPLICANT: Mr Steven Mycock - Danshell
Healthcare Ltd
Gateway 1
Holgate Park Drive
York
YO26 4GA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01136/FUL

DATE REGISTERED: 24th July 2018

Proposed Development and Location of Land:

Demolition of existing barn and garden room and construction of a new 12 bed supported living home to extend the existing 5 bed residential care home service currently on site which is to be retained.

Land to The rear of The Orchards Station Road Thorrington 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 The proposal is contrary to Saved Policy COM5 of the Tendring District Local Plan (2007), Emerging Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) and the aims and aspirations of the National Planning Policy Framework (2018).

Paragraphs 7 and 8 of the National Planning Policy Framework (2018) state that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these being an economic objective, a social objective and environmental objectives.

Saved Policy COM5 criteria a) states that proposals for residential institutional uses should not be located away from existing settlement development boundaries, in order that support services, facilities and public transport routes can be available.

Emerging Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that on land outside settlement development boundaries development proposals must either be located on a site safely accessible on foot within 800m of the edge of the settlement development boundary serving one of the District's strategic urban settlements, smaller urban settlements or strategic rural service centre or be located on a site safely accessible on foot within 400m of the edge of the settlement development boundary of one of the District's rural service centres.

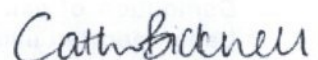
In this instance the site is situated outside of any defined settlement boundary in both the saved and emerging local plans and in an area therefore designated as countryside. The

nearest settlement boundary, which serves Thorrington, is located 330m to the east. Thorrington itself is classed as a smaller rural settlement within the emerging local plan and has a limited number of available facilities and accessible public transport options. The application site is within walking distance of bus stops on Clacton Road to the south. However, the only shop in Thorrington is a considerable distance away and the footpath routes to it are indirect and largely unlit. Nor is the village hall or public house within easy walking distance. Therefore, overall, the range of facilities and public transport options available locally is limited and not sufficient to support a care home use facilitating the everyday needs of residents, visitors and employees. There will, therefore, inevitably be a high reliance on the use of a private motor car, especially for staff and visitors to the care home, which is precisely what the principles of sustainability seek to minimise.

The proposal for a care home use here would be at variance with the principles of sustainability set out in the National Planning Policy Framework (2018) that underpin the policies that apply in the Local Plan policies listed above. These seek to concentrate new development in existing urban centres where services are most easily and most efficiently accessible to the greatest number of people. These policies also reduce the dependence on the use of the private motor car to access local services.

DATED: 4th January 2019

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

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM5 Residential Institutional Uses

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP10 Care, Independent Assisted Living

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 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.