



Planning
Council Offices
Weeley
Essex
CO16 9AJ

Mr Keith Rush - PJB Architectural Design Ltd.
6 Nags Corner
Wiston Road
Nayland
Colchester
Essex
CO6 4LT

Please ask for Alison Cox
Tel: 01255 686147
Email: acox@tendringdc.gov.uk

Our Ref: 19/00988/COUNOT

6 September 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2016

APPLICATION NO: 19/00988/COUNOT
PROPOSAL: Proposed change of use from existing shop to a one or two bedroom residential flat.
LOCATION: 180 - 182 High Street Harwich Essex CO12 3AP

Thank you for your notification on the above matter which was received on 2 July 2019 and made valid on 15 July 2019 and was allocated the reference **19/00988/COUNOT**.

Determination by the Local Planning Authority that the prior approval of the authority is **required** as it fails to meet the conditions set out in Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Tendring District Council hereby **refuse** prior approval for the development proposed in the above-mentioned application for the following reasons:

- 1 The site is within the boundary of Dovercourt Conservation Area and is therefore on article 2(3) land. The proposal fails to comply with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M, (g) (i).
- 2 The front of the building faces Harwich High Street and the land is relatively level. The side and rear of the building are accessed from Victoria Street which falls sharply in a north-westerly direction. The lowest parts of Victoria Street are in Flood Zone 3, the remainder of Victoria Street is within Flood Zone 2. The application site has a 'sunken' (basement) area which is within Flood Zone 2; the plans indicate that the bedrooms would be in this basement area. No flood risk assessment has been submitted. The proposal fails to comply with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M, Condition 2 (1) (c) and Procedure for applications for prior approval under Part 3, W.(2) (e).
- 3 National Planning Policy Framework 2019 Paragraph 85 states the local planning authorities should; Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; Retain and enhance existing markets and, where appropriate, re-introduce or create new ones; Promote competitive town centres that

provide customer choice and diverse retail offer and which reflect the individuality of town centres and; Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

The site is within the Town Centre Boundary and Primary Shopping Frontage for the area as defined in both the adopted and emerging local plans. The adopted Tendring District Local Plan (2007) categorises Harwich as a Town being one of the districts main urban areas with the emerging Tendring District Local Plan 2013-2033 Publication Draft (2017) categorising Harwich as a Strategic Urban Settlement.

No evidence has been submitted with the application which confirms whether the premises has been marketed, how long the premises has been vacant, who is marketing the property and what (if any) interest has been expressed in renting the premises. It is therefore considered that insufficient consideration has been given in regards to an assessment of how likely it is that the building could be occupied by another retail or financial/professional services use. The proposal fails to comply with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M, Condition 2 (1) (d) (i).

No evidence has been submitted with the application which confirms whether the premises has been marketed, how long the premises has been vacant, who is marketing the property and what (if any) interest has been expressed in renting the premises. Active street frontages are an integral characteristic to vibrant town centres. Further, the floor plans indicate that the living room would be at ground floor level - the size of the window openings would be significantly reduced. The change in window size would detract from the commercial/retail character of the area and secondly, it is anticipated that window coverings would be installed internally to prevent overlooking - these two changes would immediately create an inactive street frontage in this location, contrary to paragraphs 85 and 86 of the National Planning Policy Framework 2019, requiring that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and main town centre uses should be located in town centres. The proposal fails to comply with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M, Condition 2 (1) (d) (ii).

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The floor plans indicate that the living room would be at ground floor level - the size of the window openings would be significantly reduced. The change in window size would detract from the commercial/retail character of the area and secondly, it is anticipated that window coverings would be installed internally to prevent overlooking - these two changes would immediate create an inactive street frontage in this location. The proposal is therefore contrary to Paragraph 130 of the National Planning Policy Framework 2019 as it would not improve the character and quality of an area and the way it functions. The proposal fails to comply with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M, Condition 2 (1) (e).

If you require any clarification on this matter or further information, please contact the case officer Alison Cox on 01255 686147.

Yours faithfully

Catherine Bicknell

Catherine Bicknell
Head of Planning