



AGENT: Mr Young - LPS Architecture
340 The Crescent
Colchester
CO4 9AD

APPLICANT: Feng
1 Harwich Road
Mistley
Manningtree
Essex
CO11 1ND

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/00199/FUL

DATE REGISTERED: 2nd February 2022

Proposed Development and Location of Land:

**Proposed conversion of existing space to provide 1 bedroom self contained flat with parking and access to communal amenity area.
1 Harwich Road Mistley Manningtree 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 Paragraph 127 f) of the National Planning Policy Framework 2021 requires that planning decisions should create places with a high standard of amenity for existing and future users.

Policy LP4 part J of the Adopted Local Plan states that to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Drawing no. 1.2 Rev C demonstrates that the existing two flats and proposed flat would be served by approximately 79 square metres of communal amenity space. However when taking in consideration the useable space, the private amenity space measures approximately 75 square metres. Although Essex Design Guide states that a minimum of 25 m² should be provided for each flat, due to the location of the private amenity space between the proposed parking spaces, the visibility from the street scene which would not be considered private and the overdeveloped nature of the site, the application fails to demonstrate how an acceptable standard of private amenity space would be achieved for the existing and future occupants of the development.

- 2 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The proposal fails to provide sufficient turning area for the proposed parking facilities and is constrained with some of the spaces not easily accessible in accord with current Parking Standards and would force vehicles to reverse out onto Harwich Road due to the narrow access which is not wide enough for two vehicles to enter and leave the highway in a controlled manner, based on the information contained on drawing no. 1.2 C. The proposal would be very constrained due to the tandem parking spaces being proposed for the existing flats and takeaway restaurant, plus a restricted parking space for visitors with the potential for any of these vehicles to be left parked in the adjoining highway adding to the existing parking stress in this area and in the immediacy of private drives and an existing bend, causing conditions of congestion, danger, and obstruction, contrary to the interests of highway safety.

The site fronts Harwich Road which is a B' Road and Secondary Distributor in the County Council's Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. The majority of houses in the vicinity of the proposal have little or no off-street parking as a result this proposal will add additional kerbside stress, obstruction, or congestion contrary to highway safety.

Although the proposal is providing six off-street parking spaces, the overall parking layout is considered to be inadequate for the density and size of the application and would be unworkable for three flats and takeaway restaurant. The proposal would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage on-street parking in the locality.

DATED: 5th August 2022

SIGNED:



Graham Nourse
Assistant Director

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 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

LP4 Housing Layout

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP2 Improving the Transport Network

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(s) 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.