



AGENT: Mr Terry Crane - Estuary Vision Architects Ltd
Spruce Close
West Mersea
CO5 8PU

APPLICANT: Mr Daniel / Thomas Lane / Daw - T&D Contractors (Essex) Ltd
2 Colchester Road
St Osyth
Essex
CO16 8HA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00375/FUL **DATE REGISTERED:** 20th March 2024

Proposed Development and Location of Land:

**Planning Application - Development of a care home (Use Class C2) in the form of 7no supported living bungalows, including a single storey staff office for tenant carers and visitors. All with associated parking and private amenity areas.
Sherbro House Boarding Kennels Colchester Main Road Alresford Colchester**

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 135 of the National Planning Policy Framework 2023 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Section 1 Policy SP7 of the adopted 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policies SPL3 and LP4 of the adopted 2013-33 Local Plan also require that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.

The proposed development by reason of its layout and design, characterised by tightly clustered bungalows of similar appearance, coupled with the extensive hardstanding areas, would result in significant and overriding harm regarding its impact on the prevailing character and pattern of development of the area. The design approach envisaged would lead to a development dominated by closely packed bungalows, resembling a densely built urban area. Moreover, the inclusion of extensive parking and vehicular circulation spaces would contribute to a cramped and urbanised arrangement, starkly contrasting with the spacious, predominantly semi-rural ambiance of the surrounding locality.

For these reasons the proposal will conflict with the above-mentioned Local Plan policies and paragraph 135 of the NPPF 2023.

- 2 The application has failed to demonstrate that the development will not have an unacceptable impact on biodiversity, geodiversity or protected species / their habitats. There is therefore uncertainty of impacts on legally protected species and the Local Planning Authority is unable to demonstrate compliance with its statutory duties,

including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. The proposal is therefore in conflict with Section 2 Policies SPL3 and PPL4 of the adopted 2013-33 Local Plan and paragraph 180 (b) and (d) and 186 of the NPPF 2023.

DATED: 16th May 2024

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- LP10 Care, Independent Assisted Living

PP13 The Rural Economy

- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation and Energy efficiency Measures

- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- 1529-P-01 B: Site and Block Plan
- 1529-P-02 A: Existing Site Plan - Topo Survey
- 1529-P-03 C: Proposed Site Plan - Ground Floor
- 1529-P-04 B: Proposed Site Plan - Roof
- 1529-P-05 B: Proposed Ground and Roof Plan - Units 1-2
- 1529-P-06 B: Proposed Ground and Roof Plan
- 1529-P-07 B: Proposed Elevations - Units 1-2
- 1529-P-08 B: Proposed Elevations - Units 3-6
- 1529-P-09 B: Proposed Elevations - Unit 7
- 1529-P-10 A: Proposed Staff Office - Plans and Elevations
- 1529-P-11 B: Street Scene - Site Sections

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application, and the changes required are more than minor and would necessitate a complete rethink in terms of design and layout. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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.