



**AGENT:** Mr Michael Breen - Planning By Design  
167-169 Great Portland Street  
London  
W1W 5PF

**APPLICANT:** Mr Michael Newman  
26 Victoria Street  
Dovercourt  
Essex  
CO12 3AR

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/00302/FUL      **DATE REGISTERED:** 2nd May 2024

Proposed Development and Location of Land:

**Planning Application - Conversion of dwelling to 2no. flats.  
26 Victoria Street Dovercourt Essex CO12 3AR**

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 173 of the NPPF states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (FRA).

Paragraph 174 of the NPPF states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments (FRA)

Footnote 59 of the NPPF and Policy PPL1 of the Local Plan confirms that a site-specific FRA should be provided for all development in Flood Zones 2 and 3. Footnote 60 of the NPPF states that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

The application site lies within Flood Zones 2 and 3 which is land defined by the planning practice guidance as having a high probability of flooding.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown and therefore, due to the lack of an FRA being submitted, the Local Planning Authority does not have a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The proposed development is therefore contrary to Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond, the National Planning Policy Framework and Planning Policy Guidance.

- 2 Local Plan Policy SPL3, Part B states that, new development must meet practical requirements, including provision for waste storage and recycling facilities, vehicle and cycle parking.

The rear yard of the existing dwelling is small and will be divided to create a yard for each dwelling which will serve for bin/recycling and bicycle storage and is considered to provide sufficient space for these purposes.

Flat 2 however has no direct access from the flat to the yard at the rear of 26 Victoria Street. To access their own yard, the occupiers of Flat 2 would need to come out of their front door, walk northwards to the end of Victoria Street, turn right and right again into East Street where they could access their rear yard via the yard gate, a distance of approximately 80 metres. This arrangement is problematic and impractical if needing to take recycling or refuse to the appropriate bins at the rear thus failing to comply with Policy SPL3, Part B.

The poorly designed layout will not provide a high standard of living for future occupants, contrary to the aims and objectives of national and local plan policy.

**DATED:** 27<sup>th</sup> June 2024

**SIGNED:**




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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
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas

PPL9 Listed Buildings  
PPL10 Renewable Energy Generation and Energy efficiency Measures  
CP1 Sustainable Transport and Accessibility

#### Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)  
Technical housing standards: nationally described space standard Published 27 March 2015  
Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)  
Dovercourt Conservation Area Appraisal

#### 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):

Drawing No. 01 Revision V2

Drawing No. 03 Revision V2

Drawing No. 05 Revision V2

Drawing No. 07 Revision V2

Letter dated 10 April 2024 received 2 May 2024 confirming superfast broadband connection is available

Contamination statement received 2 May 2024

Design and Access Statement received 27 February 2024

#### 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also 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.