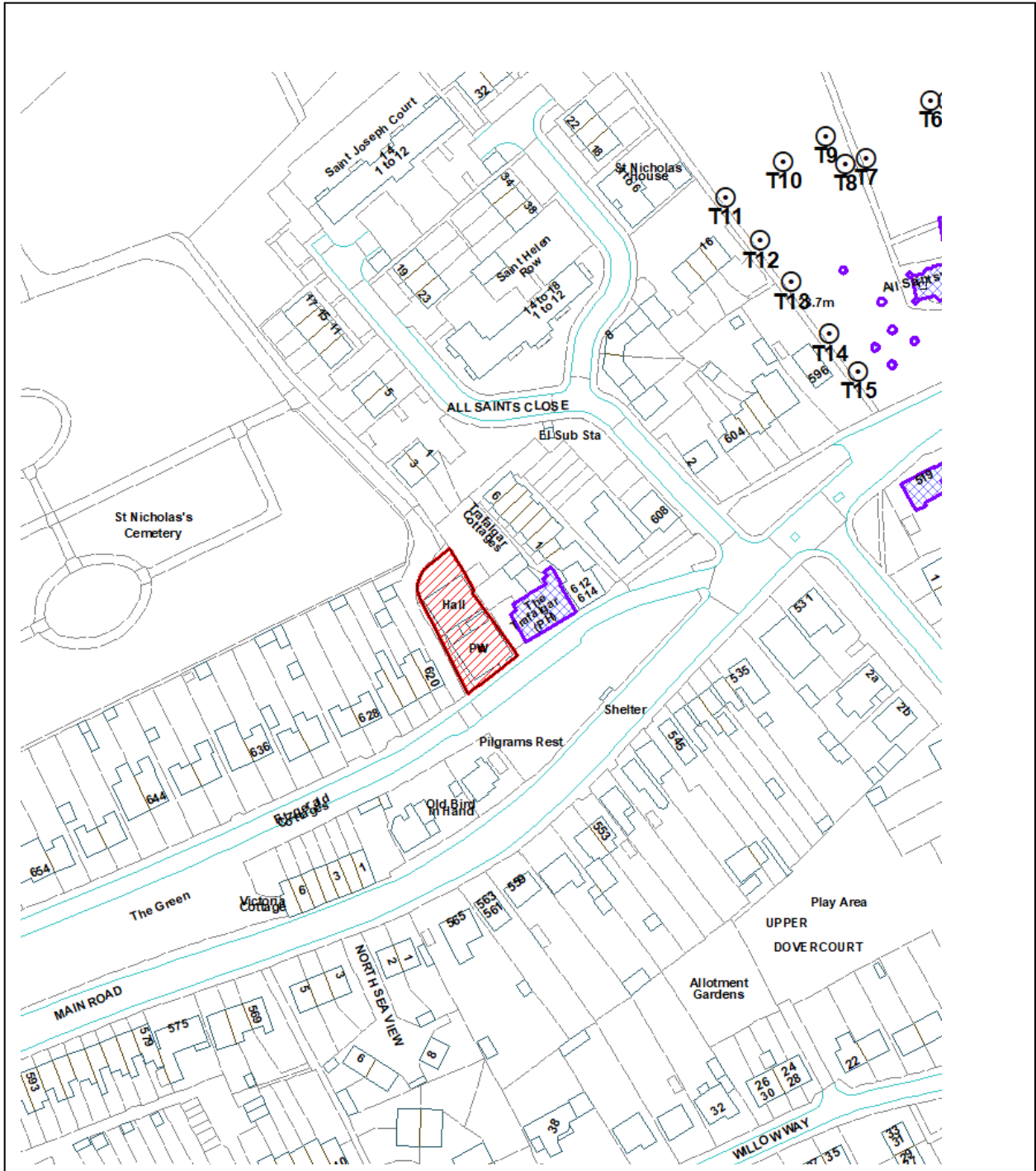


PLANNING COMMITTEE

Tuesday 25<sup>th</sup> October 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 22/01083/FUL – 618 MAIN ROAD UPPER DOVERCOURT CO12 4LS**



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**Application:** 22/01083/FUL

**Town / Parish:** Harwich Town Council

**Applicant:** Mr Bradleigh Wosko - Harwich Hall Ltd

**Address:** 618 Main Road Upper Dovercourt CO12 4LS

**Development:** Proposed change of use from a disused Methodist chapel to a social club (Sui Generis use) and associated internal and external alterations

## 1. **Executive Summary**

- 1.1 The application has returned to Committee after being deferred from the 2<sup>nd</sup> August Committee to allow the applicant time to undertake and submit a noise impact assessment and noise management plan for the premises.
- 1.2 The submitted report DAA Group, ISSUE 01 dated 10<sup>th</sup> September covers both the noise impact assessment and the noise mismanagement plan. There are no objections to the report or plan subject to conditions to ensure that the noise management plan is adhered to at all times and the recommended mitigation for the plant is undertaken, to minimise the noise and disturbance to neighbouring occupiers. The officer recommendation continues to be approval with the addition of this information and is conditioned.
- 1.3 The proposal is for the change of use of the redundant Methodist Church and Hall (Class F1) to a Members only community social club, comprising of a bar area for darts and pool within the main church building and a community/function events use of the rear hall. The site is located within the settlement development boundary of Harwich and Dovercourt
- 1.4 The application is part retrospective as the majority of the works, mostly internal have been completed. ECC Place Services have no concerns regarding the conversion or its impact on the neighbouring Grade II Listed Public House, The Trafalgar. Given its current use as a Church and function hall, its sustainable location, along with its local community membership use, the proposal is acceptable in regards to Highways and Parking impacts.

### **Recommendation:**

- (a) That the Assistant Director for Planning\* be authorised to Grant Planning Permission subject to conditions as stated in Section 8.2 (or as need to be varied) and those as may be deemed necessary by the Assistant Director for Planning\*

\*Or to whom is otherwise delegated after 26<sup>th</sup> October 2022

## 2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

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  
SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL3 Sustainable Design  
CP1 Sustainable Transport and Accessibility  
HP2 Community Facilities  
PPL9 Listed Buildings

Essex County Council Car Parking Standards - Design and Good Practice

## 2.2 Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## 3. Relevant Planning History

3.1 None

## 4. Consultations (Summarised)

ECC Highways Dept 21.07.2022	<p>No new or altered means of access is proposed for the building. Access to the proposal will be from The Green an established local road that runs parallel with Main Road. The North Essex Parking Partnership have intervened previously, installing restrictions to aid travel in/out of the district-controlled crematorium but no recent requests for additional parking restrictions within The Green have been made. <i>Officer note: This is a yellow line no parking zone across the front of the access on both sides of the road.</i></p> <p>It is noted that the site is in close proximity to an existing Pub and two Take-away restaurants none of which appear to have any off-street parking provision. Realistically, there are very few control methods available to deter the practices which may occur, with enforcement at these types of sites which in turn are likely to be restricted to the local road, considering the previous use of the building, the trips generated would be on a par with the proposal and due to its urban location, local residents should be encouraged to walk to the site, therefore there is no objection to the proposal.</p>
Environmental Protection 13.07.2022	<p><u>Noise</u></p> <p>The applicant must need to demonstrate the ability to control noise at/from the premises. This is important during the use of the function hall or during the provision of any amplified sounds/music. The applicant will be required to submit a noise management plan and this is to be agreed with the local planning authority. Noise from such events should not be audible from the façade of any noise sensitive residential premises.</p>

	<p>It is also recommended that the premises is suitably insulated to ensure that there is minimal noise escape during events or during provision of amplified sound/music. This should include that all windows and doors shall remain closed except for access and egress whilst any amplified sound/music takes place.</p> <p><u>Plant</u></p> <p>Any external plant (such as extraction systems and air conditioning units) must be subject to a noise assessment to be carried out by relevantly qualified person in line with BS4142.</p>
<p>Essex County Council Heritage</p>	<p>The application is for a change of building use of the building to a proposed social club.</p> <p>The site is the former Upper Dovercourt Primitive Methodist chapel which was opened in 1866. The original two 19th century chapels were extended in the 1960s with the construction of a Function Hall to the rear and generally most of the original features, particularly the external windows, are now lost. The Chapel has the potential to be considered a non-designated heritage asset for its architectural interest and its social and communal historic interest. The site is also in close proximity to Grade II listed The Trafalgar Public House.</p> <p>There is no objection to a sympathetic conversion of the chapel into commercial use. A change of use of a heritage asset will undoubtedly cause some degree of harm, as such great weight should be given to the heritage asset's conservation.</p> <p>The current proposal is mostly for a general internal refurbishment of the chapel, retaining the two Chapels and the Function Hall as full height open spaces. The proposed openings between the two chapels to allow for the insertion of a central bar, are not considered to affect the legibility and the experience of the original tall open worshipping space.</p> <p>No external alterations have been proposed at this stage which could affect the setting of Grade II Listed The Trafalgar.</p> <p>The proposal is not considered to have a detrimental impact upon the significance of a non-designated heritage asset.</p>
<p>Licensing Section 06.07.2022</p>	<p>The premises holds a valid Club Premises Certificate under the Licensing Act 2003 for the following licensable activities.</p> <p>Supply Alcohol on and off the premises Sunday to Thursday 10:00 23:00 Fridays and Saturdays 10:00 00:00</p> <p>Performance of Dance Monday to Saturday 10:00 23:00 Sunday 10:00 22:00</p> <p>Exhibition of a Film Every Day 10:00 23:00</p> <p>Indoor Sporting Event Sunday to Thursday 10:00 00:30 Fridays and Saturdays 10:00 00:00</p>

	<p>Performance of Live Music Sunday to Thursday 10:00 23:00 Fridays and Saturdays 10:00 00:00</p> <p>Performance of Recorded Music Sunday to Thursday 10:00 23:00 Fridays and Saturdays 10:00 00:00</p> <p>Performance of a Play Every Day 10:00 23:00</p> <p>Provision of Similar Regulated Entertainment Monday to Saturday 10:00 23:00 Sunday 10:00 22:00</p> <p>This was determined by the Licensing Premises / Personal Sub Committee on 8 April 2022.</p>
Weeley Cemetery	<p>The exit from Dovercourt cemetery passes by this building. This isn't ideal for mourners at funerals or for visitors to the cemetery to be passing, although this would be on their way home.</p> <p>If parking becomes more in demand this will also likely impact negatively on the use of the Cemetery.</p> <p>Fences and screens could be in a better condition and restrictions put in place regarding outdoor activities then the impact may not be so great. It is also considered that most activities would be evenings and weekends.</p>
Environmental Protection After submission of noise impact assessment and noise management plan	Noise mitigation measures shall be installed in accordance with the recommendations made in the noise impact assessment submitted with this application

## 5. **Representations (Summarised)**

### Harwich Town Council

- 5.1 Harwich Town Council objects to this application on the grounds of concerns regarding highways issues both involving access on the road, access in and out of the local cemetery and parking, both as business users and residents, in this already congested area.
- 5.2 Concerns also raised regarding the environmental noise nuisance this proposed change of use may bring including public safety and antisocial behaviour fears and the impact on members of the Local Community.
- 5.3 A number of representations have been received following a public consultation which included a site notice posted at the site and neighbour consultation letters sent out to the adjacent properties. These are summarised below:

### Support of the application (26 letters)

- Asset to the Community

- Safe environment to socialise
- Adults only
- Community hub
- Improvement to the appearance of the building
- Accessible facilities
- Opportunity to make new friends
- Community uses to be accommodated in rear hall
- Membership scheme to control number of users
- Good facility at this end of town
- Within walking distance of town
- Facility to play darts and pool competitively for both older and younger generations
- Would not impact on traffic in the area as most people would walk or taxi to the venue
- Alternative safe and peaceful venue to the Trafalgar Pub which has seen a rise in complaints and police visits
- Owners ran the pub next door with no issues
- Owners are great people
- Make up for the loss of venues in the area, White Horse, The Devon, The Royal Oak and The Hannover
- Parking issues no different from its operation as a Church
- Benefit neighbouring business due to passing trade
- High standard of facilities
- Installation of CCTV allays security concerns for neighbouring residents
- Reduce levels of underage drinking, drug use, drink driving and violence due to being an over 18 members only club
- Owners have pre-empted concerns re noise, providing a smoking area and staff are monitoring parking outside

#### Objections received (6 letters):

#### Material Planning Considerations

- Location close to residential properties
- Parking issues – narrow area, poor visibility, road barely passable due to inconsiderate parking, driveways blocked
- Busy area with Pub, and a number of takeaways impacting on parking and traffic
- Social club has been operating and already flouting the rules
- Impact on safety of pedestrians in this area
- Noise issues,
- Large groups of people congregating on path outside venue
- Potential for damage to property and cars from users
- Trafalgar Pub has been refurbished and provides a community facility and is registered as a Community Asset
- Difficult for emergency vehicles to access the premises and houses further along Main Road
- Inappropriate use close to the Cemetery, adjacent to road which provides exit from the site
- No information submitted regarding noise mitigation measures
- Use of space for events could see large groups of people arriving and departing at the same time causing disruption to the area

#### Other matters which are not planning considerations

- Title deeds preventing properties on this side of the road being used for offensive noisy or dangerous trade business pursuit or occupation or no intoxicating liquors shall be sold on the said land or in any building
- Owners of the pub could be blamed for noise and disturbance

- What controls will be in place to prevent any anti-social behaviour

### **Representations received since 2<sup>nd</sup> August 2022 Committee meeting**

5.4 **Officer note:** *All representations are summarised below indicating the main planning considerations raised and other matters. All representations are available to view online should Members wish to read any representations in full. Any representations received after 14<sup>th</sup> October will be summarised on the Committee update sheet which is circulated to members on the day of Committee. All additional representations will be available to view online before the Committee date of 25<sup>th</sup> October 2022.*

#### Support of the application (7 Letters)

- Support the change of use from Methodist Church into a Social Club
- Beneficial for the community to be in a safe environment being members only
- Community benefit
- Need something social up this end of town to go with friends and family
- Good to see an unused building being actively used and supported
- be a membership club so will feel safer than going alone into a pub
- Support local business

#### Objections received (2 letters)

- Concerns raised that despite the noise management survey the measures are not sufficient to prevent noise nuisance arising from persons undertaking activities on the premises, either outside of the buildings or within the function hall.
- The closest residential receptor is not 10 metres as stated in the report but 3 metres.
- There are no controls to prevent people from being noisy and disruptive during permitted opening hours
- Parking concerns in this busy area
- Noise generation in the evening in this residential area.
- Details of continued use have been provided to officers

## **6. Assessment**

### Site Context

- 6.1 The application site is located on the northern side of Main Road/The Green, in Upper Dovercourt and comprises of a redundant Methodist Church building with a more modern detached hall to the rear. There is a grass area to the side and rear of the building, which is enclosed by black railings and timber fencing. The site is neighboured by The Trafalgar Pub, which is operational and is a Grade II Listed Building, takeaway restaurants further east, with residential dwellings to the north, west and south and Weeley Cemetery to the north-west. The access road, providing the exit from the Cemetery runs adjacent to the site and joins Main Road/The Green.
- 6.2 The site is located within the defined settlement development boundary of Harwich and Dovercourt and is within Flood Zone 1 which has a low risk of flooding.

### Proposal

- 6.3 The application seeks planning permission (part retrospective) for the Change of Use from Methodist Church (Class F1) to a Social Club (Sui Generis). The development is considered to be fairly complete and includes internal alterations, external decoration, erection of fencing and formation of external smoking areas, internal sound system, bar area with pool tables and dart boards and installation of air cooler units for the cellar.

#### Principle of Development

- 6.4 The site falls within the defined Settlement Development Boundary for Harwich and Dovercourt within the Local Plan. Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies (including heritage matters) and any approved Neighbourhood Plans. Policy HP2 seeks to protect existing local services and facilities and to provide either when a loss or change of use is proposed, replacement facilities on site or within the vicinity, which meet the need of the local population.
- 6.5 It is accepted that a number of Methodist Churches have become redundant across the District and have been sold at auction within the last 12-24 months. A number of alternative uses have been proposed, including both commercial and residential uses. The change of use from a Church to a Social Club is considered to be acceptable in principle because the site and building is located in a sustainable location within the defined Settlement Development Boundary for Harwich and Dovercourt. In addition, in accordance with Policy HP2, the proposal seeks to provide a facility that would continue to offer an element of community use, with the hall at the rear available for hire for both community and charity events. The main hall accommodates the bar and entertainment area. The Social club is to be operated on a member's only basis for over 18s, which allows the owners to limit and control the number of members. The Dovercourt All Saints Church is a short 2 minute walk away.
- 6.6 Therefore the requirements of Policy HP2 are considered to have been met in justifying the change of use and the principle of development with regard to the change of use is considered to be acceptable in this location, subject to the detailed material considerations relevant to this proposal which are set out below.

#### Character and Appearance, including Heritage Impacts

- 6.7 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.8 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.9 The external appearance of the building is largely unaltered except for the repainting the main hall building and other cosmetic improvements. The erection of fencing has been undertaken between the main building and the rear hall to provide an enclosed and screened smoking area, which also houses the chillers for the cellar. Overall the external appearance of the building, streetscene and surrounding area are preserved.
- 6.10 From a heritage perspective, the church building is deemed to be a non-designated heritage asset by ECC Place Services, due to its architectural interest and its social and communal



historic interest. The site is also adjacent to the Grade II listed The Trafalgar Public House. Due to the limited external alterations the proposal is not considered to result in material harm to the setting of the adjacent Listed Building. Internally the full height ceilings and overall layout of the church building is preserved and there is no objection to the proposal from ECC Place Services.

6.11 The proposal is therefore acceptable and policy compliant in these regards.

#### Impact on Residential Amenity

6.12 The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

6.13 Policy SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.14 The building and hall are bordered by residential dwellings on all sides and the Cemetery to the rear, however this is an existing situation. Whilst the church has not been operating for some time, this remains the authorised use of the site, and could re-commence at any time and this forms a material consideration in regards to this application. It is not proposed to extend the building or hall in anyway, therefore no overlooking or loss of privacy issues are identified.

6.15 The main concerns raised are in regard to the noise and disturbance that could be experienced by the neighbouring occupiers from the operation of the Social Club in close proximity to residential dwellings. It is also considered that any operation of the proposed Social Club should be sensitive to visitors to the Cemetery, either attending services or visiting graves.

6.16 The proposed opening hours are:

Monday to Thursdays - 12.00 until 23.00  
Friday and Saturdays – 12.00 until 0.00  
Sundays 11.00 until 23.00

6.17 These hours are considered reasonable and in line with the operating hours of the neighbouring public house and takeaway restaurants. It is also considered reasonable to allow the owners and staff to occupy the Social Club outside of these hours for the purposes of administration, cleaning and any preparation requirements etc. However due to the residential nature of the area any deliveries, collections or refuse services should be not take place before 08:00 and after 21:00 to prevent disturbance to the neighbouring occupiers and this can be secured by condition.

6.18 The noise impact assessment survey was undertaken on 5<sup>th</sup> and 6<sup>th</sup> September 2022, and the findings are documented in the DAA Group report submitted, Issue 01, dated 10<sup>th</sup> September 2022. The measured noise levels are used to investigate and assess the noise impact from the operation of the proposed Community Centre to the nearest residential units the report and outlines any necessary mitigation measures.

6.19 The survey and assessment has been carried out with due consideration to the following National and Local Policies and legislation:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Practice Guidance (NPPG)
- Tendring District Council Local Plan
- British Standard 8233:2014 - Sound insulation and noise reduction for buildings

- British Standard 4142: 2014 - Methods for rating and assessing industrial and commercial sound - describes methods for assessing the likely effects of sound on premises used for residential purposes
- Noise Policy Statement for England (NPSE) as published by DEFRA in March 2021
- The World Health Organisation – Guidelines For Community Noise (1999)

6.20 It is understood that the proposed plant is comprised of the following units:

- Multiplex heat dump advanced- Model 09-0204-01
- J and E Hall model J5LC20CV1 Condenser Unit.

6.21 The noise survey determined that the proposed external units are not considered to contain tones. In addition, the proposed operation of the equipment is also unlikely to be sufficiently intermittent to attract attention at the nearest noise sensitive property. The calculated rating level is +4dB above the lowest background noise level at 1m from the nearest noise sensitive window. To meet the noise criteria under BS 4142:2014, the report recommends fully enclosing the condenser units in an acoustic enclosure with an insertion loss of 14dB or greater. Suitable suppliers are listed within the report.

6.22 In addition to the control of airborne noise transfer, it is important to consider the transfer of noise as vibration to adjacent properties as well as any sensitive areas of the same building. The units should be isolated from the structure of the building using anti-vibration. The isolators shall incorporate rubber or neoprene high-frequency isolation pads. Anti-vibration mounts are widely available from suppliers/installers often in pedestal rubber mountings.

6.23 A Noise Management Plan has also been submitted and covers measures to minimise the risk of any noise disturbance caused by attendees on site, including agreed policies to be put in place to control noise during the operation of the Social Club.

6.24 The applicants state that they are committed to developing and maintaining good relations with local residents, neighbours and the local authority. The objective of the management plan is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. These include:

- Adhering to the approved opening hours, including no re-admission to the premises 15 minutes before closing.
- Management shall make available and regularly promote a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events.
- The provision of background music shall be permitted at any time the premises is open to the public. By definition this is music or other audio played whose main function is to create an atmosphere suitable to a specific occasion rather than to be listened to and is incidental to speech and conversation.
- Staff will actively encourage the gradual dispersal of customers to minimise nuisance.
- A member of staff will be positioned in an area close to the main exit to oversee the end of night departure period. Customers will be encouraged to be considerate upon leaving the premises.
- Routine monitoring will be regularly conducted around the perimeter of the premises during opening hours. Details of checks, observations and any actions taken as a result of such shall be recorded. A noise log book kept on the premises and maintained by management and be available for inspection by the Local Authority upon request.
- All staff will be fully trained to be aware of the requirements to reduce external impact from noise.
- All staff will be made fully aware and conversant with the noise management policy and procedures.
- Notices will inform customers of our commitment to local concerns.

- Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 21.00hrs and refuse collections will only be permitted by external companies between the hours of 08.00 and 21.00hrs.
- Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to avoid causing disturbance to nearby residents and deliveries shall not be permitted outside the hours of 08.00 and 21.00hrs
- The premise has been designed appropriately and detailed consideration has been given to its ability to operate in a manner which does not give rise to disturbance. The controls and limitations of the venue are reflected in this noise management plan.
- No significant structural alterations shall be made to the premises without due consideration of its potential impact on noise management.
- The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly.

6.25 In order to overcome the concerns raised by neighbouring residents it is proposed to add conditions to any grant of planning permission to ensure that the management plan is adhered to at all times. Other conditions to be added are:

- To prevent any persons from congregating outside to the front, rear and side of the buildings at any time and to use the designated area for smoking at all times.
- No live music or other noise generating entertainment is to be allowed between the hours of 10am – 4pm Monday to Friday, to prevent disturbance to visitors to the neighbouring cemetery
- To enforce the proposed opening hours and restrict the hours for deliveries etc.

6.26 It is considered with these measures are necessary, and with these additional safeguards it is considered that the proposed Social Club would not result in material harm to the residential amenity of the neighbouring occupiers.

6.27 It is noted that the granting of an alcohol license is not a planning matter and is controlled and managed by the Council's Licensing department. A licence for selling alcohol and for live music/ events at the Social Club has been granted.

6.28 Therefore subject to conditions the proposal is acceptable and policy compliant in these regards.

#### Highways and Parking

6.29 Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

6.30 The proposed Social Club does not have any parking provision within the site, however this is an existing situation and no parking is provided with its current use as a Church and ancillary community hall. Then exit road from the Cemetery runs along the side of the buildings an exits onto The Green. Yellow 'no waiting' lines are provided across the access on both sides of the highway as per the plan below, preventing parking from 9am – 5pm Monday to Friday, these lines however are extremely faded/non-existent, however the parking restrictions remain and there is signage in place.



- 6.31 It is recognised that this area around The Green and Main Road experiences parking stress and there are a number of businesses in the vicinity that also do not have any off street parking provision. This is an existing situation and the yellow lines are provided to maintain free access from the Cemetery. Given the current authorised use of the site, which could re-commence, a reason for refusal based on highway safety as a result of the possibility of additional on street parking would be difficult to sustain at appeal. The Highways Authority also acknowledges this and that realistically, there are very few control methods available to deter the additional parking stress which may occur in any event given the current or previous use of the building, and indeed other uses that can take place in the building under use class F.1 (such as a public hall or exhibition hall). In conclusion it is considered that the trips generated from the proposed use would be on a par with the existing use and due to its urban location, local residents could walk to the site or use public transport.
- 6.32 Furthermore the site is considered to be within a sustainable location with good public transport links to the site and given its membership only status the majority of users would belong to the local community and live within close proximity of the site. Therefore there is no objection to the proposal.
- 6.33 Therefore the proposal is considered to be acceptable and policy compliant in these regards.

## 7. **Conclusion**

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is subject to conditions recommended for approval.

## 8. **Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

### 8.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

Location Plan title number EX853863

Proposed Ground Floor Plan

DAA Group report submitted, Issue 01, dated 10th September 2022.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The change of use to a Social Club hereby approved must operate fully in accordance with the mitigation measures outlined in the submitted noise impact assessment and noise management plan - DAA Group report submitted, Issue 01, dated 10th September 2022 at all times.

Reason: In the interests of residential amenity

4. The development hereby approved shall open to the public only within the following opening times:

Monday to Thursdays - 12.00 until 23.00

Friday and Saturdays – 12.00 until 0.00

Sundays 11.00 until 23.00

Permanent Staff employed to work at the site may be on-site outside of these hours. .

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

5. There shall be no deliveries or collections or related services before 08:00 and after 21:00 each day.

Reason: In the interests of residential amenity

6. There shall be no live or other form of music and/or other noise generating entertainment outside the the opening hours available to the public as detailed by condition 4 and in addition no live or other form of music and/or other noise generating entertainment between the hours of 10am – 4pm Monday to Friday.

Reason: To prevent disturbance to visitors to the neighbouring cemetery and residential amenity.

### 8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available

to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.