



AGENT: VLH Associates - Mr Vic Hester
93 Whitstable Road
Canterbury
Kent
CT2 8EE

APPLICANT: Mr A Smith - Anglia Holland Pub
and Clubs Ltd
The Tavern
55 - 57 Frinton Road
Holland On Sea
Clacton On Sea
Essex
CO15 5UH

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00964/FUL **DATE REGISTERED:** 18th June 2021

Proposed Development and Location of Land:

Change of use and conversion of first and second floors to create 4no. x two-bedroom flats, elevational changes to the building, demolition of single storey extension, erection of 3no. x two-bedroom houses, parking, landscaping and turning area.

The Tavern 55 - 57 Frinton Road Holland On Sea Clacton On Sea

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 Adopted Tendring District Local Plan 2013 - 2033 and Beyond Section 1 (TDLP1) Policy SP7 requires all new development to meet high standards of design; enhance the quality of existing places and protect the amenity of existing and future residents. Adopted Local Plan Section 2 (TDLP2) Policy LP3 criterion d. states that new residential and mixed-use development (including conversions) must achieve an appropriate housing density having regard to the context and character of development. Furthermore, TDLP2 Policy LP4 criterion h. and j. necessitates a well-considered site layout and provision of private amenity space of a size and configuration that meets the needs and expectations of residents. In addition, TDLP2 SPL3 Part A requires, amongst other things, that buildings are designed and orientated to ensure adequate outlook and privacy for future and existing residents. SPL3 Part B criterion f. states that new development must meet practical requirements including provision of adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.

The new terrace to the rear, by reason of the excessive overall footprint, width and close siting to nearby existing residential dwellings to the north will result in an overbearing and harmful impact on the occupiers of the adjacent neighbouring dwellings fronting Colchester Road, to the rear of the site. Moreover, the cramped and contrived internal layout together with the massing and siting of the proposed dwellings, and positioning of the associated amenity areas will allow intervisibility and overlooking between the proposed flats, proposed houses and existing adjacent flats. The constrained site layout and undersized parking results in poor spacing and manoeuvrability for future residents

and other users of the shared access.

The proposed development therefore fails to deliver a well-considered, practical and usable site layout and fails to provide a good standard of amenity for existing and future residents. The development of the rear portion of the site in the manner proposed, together with the 4 units within the converted upper floors of the existing Tavern building amounts to harmful overdevelopment of the site, contrary to adopted Local Plan Policies SP7, LP3, LP4 and SPL3.

DATED: 1st December 2022

SIGNED:



John Pateman-Gee
Planning Manager

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 July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Tendring Provision of Recreational Open Space for New Development SPD 2008

Statutory guidance -Technical housing standards: nationally described space standard
Published 27 March 2015

Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Local Planning Authority has provided advice on potential steps that may remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Should the Applicant wish to pursue these suggestions (removing / reducing the proposed dwellings to the rear), the Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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):

Site Location Plan

PL0096.21.11 A Amended Proposed Ground Floor Plan
PL0096 - 21 -12A Amended Proposed First Floor Plans
PL0093 - 21 - 13A Amended Proposed Second Floor Plans
PL0096 - 21 - 30A Proposed Highways Layout
PL0096.21.16 Proposed NE Elevation Viewed from Neighbour
PL0096.21.15 Proposed SW Elevation Viewed from Access
PL0096.21.17 Proposed North East Elevation
PL0096.21.20 Proposed North West Elevation from Apartments
PL0096.21.18 Proposed North West Elevation from Courtyard
PL0096.21.19 Proposed North West Elevation from Neighbour's garden
PL0096.21.10 Proposed Roof Plan
PL0096.21.14 Proposed South East Elevation (front)
BS/07/01 Topographical Survey
Room Size Data Sheet
Design and Access Statement (Architect's)
Planning, Design and Access Statement (Planning Agent's)
Noise Exposure and Noise Impact Assessment

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.