

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	29/11//2022
Planning Development Manager authorisation:	JJ	29/11/2022
Admin checks / despatch completed	Er	01/12/2022

Application: 21/00964/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr A Smith - Anglia Holland Pub and Clubs Ltd

Address: The Tavern 55 - 57 Frinton Road Holland On Sea

Development: 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.

1. Town / Parish Council

Holland on Sea – non parished area of Clacton.

2. Consultation Responses

ECC Highways Dept
12.07.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated on the B1033 Frinton Road that is subject to a 30-mph speed limit. The proposal would utilise an established private access road, the proposals offer adequate off-street parking and turning, it is noted that The Tavern has currently 1 beer delivery a week that goes through the service entrance. It is indicated that the that the Co-Op has for the last 2 years serviced the building to the front of the store. Metal cages/trolleys have been used prior to that to move the goods to and from the store to the entrance in the side of the building, opposite the application site. The Co-Op has on average one delivery, 5 days a week and occasionally one additional delivery on 3 days per week. From the information provided the unloading/loading takes some 45 minutes. Currently the site has two existing function rooms, this proposal will remove the function rooms from the site, as such this will significantly reduce the number of vehicle trips when compared to its current use, also reducing any on-street parking in the surrounding roads, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No unbound material shall be used in the surface treatment of the private vehicular access and road throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

2. Prior to the occupation of the development the internal layout shall be provided in principle with drawing number:

o PL0096_21_30A Proposed Highway Layout.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. As indicated on drawing no. PL0096_21_30A and prior to occupation of the development a minimum Size 5 (8m x 8m) vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- vi. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials

and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

91/00689/ADV	Externally illuminated fascia signs.	Approved	23.07.1991
91/00690/FUL	Alterations to entrance and new canopy.	Approved	23.07.1991
01/00211/FUL	Staff accommodation at 2nd floor level	Approved	30.03.2001
20/30211/PREAPP <i>(details of pre-app included within the applicants' supporting statement, therefore making them public information as part of this formal planning application)</i>	Proposed conversion and change of use of first and second floors into 4 two-bed flats, partial demolition of single storey rear extension function suite and erection of 4 two-bed houses (8 new dwellings).	Reject	07.01.2021

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

- 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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports and 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 and Energy Efficiency Measures
- 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
- Technical housing standards: nationally described space standard Published 27 March 2015
- Essex Design Guide

Local Planning Guidance

- Essex County Council Parking Standards 2009

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.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of

deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The application relates to the existing Tavern Public House site located at 55 to 57 Frinton Road, Holland on Sea. The existing site comprises an extended three-storey building, with a three-storey rear flat roof extension and a single storey rear flat roof extension. The external finishes of the existing building comprise red facing brick, tile hanging on the upper floors, with a creamed painted, rendered side elevation.

The front section of the building at ground floor level accommodates the pub; storage and ancillary areas are located in the middle section/rear of the building and the single storey rear extension beyond accommodates a function room. There is a small yard adjacent to the rear function room currently used for parking and smoking area. The frontage of the building has a central access to the pub, a small outside patio area (with vehicular access from Frinton Road) and a separate access serving the communal staircase to the upper floors. The first floor accommodates a further function room (also accessible from within the pub) and the second floor accommodates a snooker room and separate 2/3 bedroom manager's flat (approved under planning application reference 01/00211/FUL). There is also an external metal staircase linked to the second floor managers apartment.

Abutting the site, to the right side of the building (northeast) is a small parade of commercial units with flats above. To the left of the building is a vehicular access (approximately 3 metres in width) providing access to the small rear parking area and rear function room. Adjacent to the access (south-west) is a further retail unit currently occupied by the Co-op. The access is used by the Co-Op and pub only.

Adjacent to the rear boundary of the site are residential bungalows, 6 to 16 Colchester Road. To the side of number 6 Colchester Road is a narrow vehicular access linking through to the access from Frinton Road alongside the application site. Partial views of the rear elevation of The Tavern are possible between the bungalows on Colchester Road.

The site lies within the Settlement Development Boundary of Clacton-on-Sea and within a defined Town, Village and Neighbourhood Centre as shown on Adopted Local Plan Policies Map B.6.

History and Application Background

Prior to the submission of this current application, the applicant sought pre-application advice from the Council as the Local Planning Authority (ref. 20/30211/PREAPP), and separately from Essex County Council Highway Authority. The pre-application enquiry sought advice on the redevelopment of the site for:

'Proposed conversion and change of use of first and second floors into 4 two-bed flats, partial demolition of single storey rear extension function suite and erection of 4 two-bed houses'

Officers provided a negative response to the enquiry, outlining the following concerns and comments (summarised):

- The loss of employment and potential detrimental economic impacts resulting from the loss of the function rooms that currently complement the public house use.
- The introduction of dwellings in this backland location in the manner suggested is wholly out of character with the pattern of residential development.

- The conversion of the upper floors to residential is more in keeping and likely to be acceptable in principle subject to compliance with all other relevant policies.
- The scheme falls far short of the private and communal amenity spaces required for the size and number of dwellings proposed.
- Number of units proposed is excessive with the amenity standards and functionality being wholly unacceptable.
- The dwellings to the rear are likely to be overlooked by the windows of the new flats above the pub and also by neighbouring flats adjacent - the unacceptable standard of residential amenity for future occupants would form a reason for refusal.
- Concerns with the compatibility of uses, i.e. residential and public house (application would need to be supported by the relevant noise reports to assess and demonstrate the impact of ventilation, extraction and the Public House use itself on proposed residential properties).
- The proposal is considered overdevelopment of the site.
- The plans provided show that the scheme is wholly insufficient in terms of parking provision and turning and this is likely to form a reason for refusal.
- In order to minimise potential nuisance to nearby existing residents caused by demolition and construction works, Environmental Protection would require a full construction method statement.

Description of Proposal

The current application seeks full planning permission for the partial demolition, partial change of use and re-development of the rear and upper floors of the building to accommodate 7 dwellings (one fewer dwellings to the pre-application scheme under reference 20/30211/PREAPP), as follows:

- Change of use and alterations of the first and second floors (function room, snooker room and manager's flat) into 4 no. 2 bedroom flats.
- Flats 1 and 3 are single aspect rearward facing. Flats 2 and 4 are single aspect forward facing.
- Flat 1 to be served by a private roof top garden area (50sqm) and communal garden area (30sqm) accessible by all flats (located over the existing flat roof extension below)
- Flat 3 to be served by a balcony area (5sqm). Flats 2 and 4 will be served by inset balcony/terrace areas amounting to 5sqm.
- The existing double door entrance and staircase facing onto Frinton Road will remain, and provide access to the flats.
- Demolition of the single storey function room to the rear of the building (including the loss of the small smoking yard area) necessitating alterations to the internal layout of the 'back of house' part of the pub and the addition of a new side door (service entrance).
- Erection of a terrace of 3 no., 2 storey, 2 bedroom 'townhouses' (including small study area) to the rear of the site (following demolition of extension) fronting onto the private access / service road accessed via Frinton Road (plots 5, 6 and 7);
- The terraced dwellings will be served by an enclosed front patio (smaller area for plot 5 due to siting of turning area), rear gardens and a first floor rear balcony;
- The existing service road / side access will be reconfigured to provide; a 'Type 5' 8m x 8m turning area to the front of plot 5; 5 no. parking spaces (2.45m by 6m - 1 space per townhouse and 2 for the apartments); 2 no. motorcycle spaces; cycle storage (flats will be within communal hallway areas); enclosed bin storage areas; and a refuse collection point.

Paragraph 2.11 of the accompanying Design and Access Statement explains that, 'a motorcycle space is provided for the site and a manager's parking space is provided for the site – both at the request of the Essex Highways' Officer.' However, the parking space has been removed as an appropriate bay size was not achievable (covered in more detail in the highway section of the report below).

During the course of the application, officers raised concerns and engaged with the agent and applicant in a positive and proactive manner. Most recently, officers agreed to accept amended plans, which aimed to overcome the concerns raised. Following a virtual meeting between the agent/applicant/ECC Highways and TDC planning officer in May 2022, the agent provided some

additional drawings and information together with a response to the objections. Emails between the planning officer and agent are available to view on the planning file dated 26th July 2022.

The planning officer provided a response via email dated 17 June (also scanned to the planning file) explaining:

- A number of meetings held.
- Discussed officers' informal views on the proposal directly with your client at some length.
- Explained the Council's concerns over the living conditions of future occupants, including noise and disturbance. In relation to outlook, there is conflict with Policy SPL3 Part B (e).
- The Council's pre-application response under 20/30211/PREAPP made clear its objections in relation to the backland development elements of the proposal, raising former Policy HG14 as a concern - now adopted Local Plan.
- Made it very clear on the Council's concerns over and above the Council's earlier pre-application advice.
- Previously advised that you may wish to withdraw the application to avoid refusal, and re-submit without the backland element in view of the identified policy shortcomings. However, there appears to be no appetite for this suggestion.
- Officers' have given the agent opportunity to address some of the concerns.
- Officers' note the additional comments, including the suggested use of conditions (hours of delivery for the Tavern) and addition of screen fence (to the Tavern service entrance).
- Assurance that the additional evidence in support of the application will be considered in its determination.

The applicant and agent have also submitted a request for a refund of the planning application fee. However, a refund is not required in this instance, as set out within regulation 9A Paragraph (2) (a) of the 2012 Fees Regulations (extension of time requests have been agreed). Email correspondence between officers and the agent / applicant on this matter can be seen scanned to the file sent on 31 August 2022.

Plans and supporting documents / information under consideration:

As a result of discussions between the officer and the agent, and the receipt of amended documents, the application has been assessed based upon the following drawings/documents (in order of date of receipt):

<u>Date Rec.</u>	<u>Drawing no.</u>	<u>Description</u>
12 Oct 2022		Confirmation of completed UU received from Legal Team
26 Jul 2022	PL0096.21.11 A	Amended Proposed Ground Floor Plan
07 Jun 2022	PL0096 – 21 -12A	Amended Proposed First Floor Plans
07 Jun 2022	PL0093 – 21 – 13A	Amended Proposed Second Floor Plans
07 Jun 2022	PL0096 – 21 – 30A	Proposed Highways Layout
07 Jun 2022		Room Size Data Sheet
13 Aug 2021	PL0096.21.16	Proposed NE Elevation Viewed From Neighbour
13 Aug 2021	PL0096.21.15	Proposed SW Elevation Viewed From Access...
26 May 2021		Site Location Plan
26 May 2021	PL0096.21.17	Proposed North East Elevation
26 May 2021	PL0096.21.20	Proposed North West Elevation From Apartments
26 May 2021	PL0096.21.18	Proposed North West Elevation From Courtyard (rear view not including rear dwellings)
26 May 2021	PL0096.21.19	Proposed North West Elevation From Neighbour's garden (rear including rear dwellings)
26 May 2021	PL0096.21.10	Proposed Roof Plan
26 May 2021	PL0096.21.14	Proposed South East Elevation (front)
26 May 2021	BS/07/01	Topographical Survey
26 May 2021		Design and Access Statement (Architect's)

Officers note that the red lined site area does not include connection to the public highway in line with Paragraph: 024 Reference ID: 14-024-20140306 of the National Planning Policy Guidance.

Assessment

The main considerations in this instance are:

1. Principle of Residential Development;
2. Loss of Community Facilities / Employment;
3. Scale, Layout and Appearance (including Backland Residential Development);
4. Access, Parking and Highway Safety;
5. Residential Amenities and Environmental Protection;
6. Trees and Landscaping;
7. Biodiversity Net Gain;
8. Drainage and Foul Sewage Disposal;
9. Planning Obligation – Open Space and Play Space Provision;
10. Planning Obligation – Recreational Disturbance Mitigation; and,
11. Representations.

1. Principle of Residential Development

Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 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.

As such the principle of residential development on the site is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

2. Loss of Community Facilities / Employment

During the course of this application, the Tendring District Council 2013-33 and Beyond Local Plan has been adopted in full (Section 1 adopted January 2021 and Section 2 adopted January 2022). Therefore, the Planning, Design and Access Statement (DAS) accompanying the application does not provide a justification of the development in accordance with the relevant up-to-date Local Plan policies. The pre-application enquiry and accompanying DAS addresses the loss of employment and loss of a community facility under the now fully superseded 2007 Local Plan Policy ER3.

Paragraph 187 of the National Planning Policy Framework 2021 (NPPF) states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities, such as pubs. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

These aims and aspirations of the NPPF are endorsed through adopted Tendring District Council 2013-33 and Beyond Local Plan (TDLP) Policies HP2 Community Facilities and PP6 Employment Sites (thus being the relevant comparable policies to superseded policy ER3 of the 2007 Local Plan).

Policy PP6 seeks to protect existing employment sites, as shown on the relevant Policies Maps and Local Maps. The site is not a defined 'protected employment site' for the purposes of Policy PP6 and the focus is therefore on the criteria of Policy HP2.

Paragraph 4.2.1 of the supporting text of Policy HP2 states that community facilities (sometimes referred to as Community assets) provide for health and wellbeing, recreational and leisure and education and culture. They can include public houses and other facilities of community value. They are a key part of sustainable communities and contribute to their self-reliance. It is important that local communities are supported by a range of community facilities as they provide local employment opportunities, are a focal point for community life and can help reduce the need for people to travel long distances for essential goods and services.

Paragraph 4.2.1.1 goes on to say that, the loss of community facilities can have a substantial impact on people's quality of life, wellbeing and overall viability of the local area. With the growing number of older people in the Tendring District, access to locally based facilities will become increasingly important to ensure sustainable communities. The Council will expect new development to retain, and where possible, improve existing local community facilities. For existing community facilities, the Council will work with its partners to secure future improvements and will protect them against redevelopments for alternative uses, particularly housing. Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality. The viability of community facilities is an important consideration for a sustained local area. Planning applications that would result to the loss of community facilities should be accompanied by marketing information to show why existing use is not viable and information to show why the facilities are no longer needed by the community it serves or that the facility is being suitably relocated to meet local needs.

Paragraph 6.7 of the accompanying DAS states:

At no point had the function room been used other than for purposes ancillary to or in connection with the public house. The function room is ancillary to the main pub use, they are functionally and physically related, and they cannot be separated out without significant changes to the layout of the premises and investment.

The development results in the loss of 2 function rooms and a snooker room. Having regard to the ancillary relationship of these facilities with the pub, the planning unit as a whole would fall within the definition of a Public House in terms of its use class, therefore being a community facility as defined within NPPF Paragraph 187 and Local Plan Policy HP2. Policy HP2 itself states that, the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities, parts b. and c. being of relevance to this application:

New development should support and enhance community facilities where appropriate by:

- a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.

The loss or change of use of existing community or cultural facilities will be resisted unless:

- b. replacement facilities are provided on site, or within the vicinity, which meet the need of the local population, or necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or**
- c. it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.**

Although not specifically written against the requirements of Policy HP2, due to some similarities with the aims of the superseded 2007 Local Plan Policy ER3, the accompanying DAS does provide some relevant points for consideration. These have been summarised below:

- The ground and first floor function rooms have not operated since some time before March 2020 (coinciding with the on-set of COVID restrictions).
- The popularity and use of the function room had been in steady decline for a number of years (most recently used for occasional funeral receptions only).

- Occasionally used for Sunday lunch clientele, but due to decline in demand this is accommodated within the pub dining area.
- The loss of the function rooms would not result in the loss of staff numbers as pub staff cover functions (no dedicated staff for functions only).
- The function rooms cannot be easily subdivided from pub use without significant changes to the layout of the premises – alternative community use / employment use / commercial use would require significant investment. Given that there is no demand for the existing facilities, a new facility is unlikely to attract investment.
- The building would be difficult to re-use by 'employment generating' uses due to the close proximity to residential properties, and this would limit the potentially noisier operations of a new use. Quieter uses would also be potentially restricted due to the relationship with the pub.
- There are parking and access constraints, and the building would not have its own parking and delivery areas.
- The function room does not benefit from adequate natural daylighting or ventilation.
- For the function on the first floor, some of the constraints and investment issues would equally apply and the only access to the first floor would be by stairs.

Officers are satisfied that the development will not result in a material harm to the source of local employment as there are no dedicated staff for functions only.

Looking at the criteria of Policy HP2 part b., the applicant explains that, a decline in demand demonstrates that there is no longer a community need for this particular facility, and the constraints of the site have the potential to limit the demand for another community use on site. The proposal does not include replacement facilities on site. However, there are other facilities and services within the vicinity, which can satisfactorily compensate for the loss here. Officers have undertaken a review of facilities readily available for socialising, use by community groups and functions in the locality. These include:

- The Roaring Donkey
- St Bart's Church and Hall
- Holland on Sea Methodist Church and Hall
- Roberts Social Club
- The Vintage Tea Room
- Grandma Lilly's
- Holland Public Hall and Library
- Mafia's Bar and Brasserie
- Holland on Sea Baptist Church and Hall

Therefore, these facilities comfortably meet the need of the local population without leading to, or increasing, any shortfall in provision. Overall, the development is therefore considered compliant with Policy HP2 part c.

Overall, the economic impacts of the development are not considered to result in any significant harm to the viability of the Tavern Pub, the vitality of the Neighbourhood Centre or the community needs of local residents.

3. Scale, Layout and Appearance (including Backland Residential Development)

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, 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. Adopted Local Plan 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. Paragraph 127 of the Framework 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.

Also relevant to the assessment of the proposal is adopted Policy LP8 - Backland Residential Development. Proposals for the residential development of “backland” sites must comply with the criteria set out within the policy as addressed below:

- a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;

The proposal is not seeking to re-develop an existing residential plot. Therefore, the proposal will not result in the loss of private amenity space serving an existing dwelling.

- b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

The proposal does involve the use of a long, narrow access. The access is established and following pre-application engagement with Essex County Council Highways, the Highway Authority raise no objection to the development. Officers have strong concerns with the practicality and usability of the access and parking spaces due to the cramped and awkward layout of the site; the shared use with the adjacent Co-op; and the intensification of use resulting from the development of the site for 7 dwellings (in comparison to the infrequent use associated with the pub and function rooms). However, in the absence of an objection from The Highway Authority, a refusal based upon a failure to provide a safe and convenient means of vehicular and pedestrian access/egress is unlikely to be sustained at appeal.

Turning to the matter of potential for undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene, given that the site access is established and the rear of the building is already used for parking, the proposed vehicular and pedestrian access arrangements could not be considered to result in any undue harm in this regard.

- c. the proposal must avoid “tandem” development using a shared access;

The development includes the creation of a terrace of 3 dwellings fronting the existing access road and could not be considered “tandem” development. Therefore, this criterion is not applicable.

- d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

This criterion is not applicable to the site characteristics nor the proposed development.

- e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

The site is well within the defined settlement boundary and this criterion is not applicable.

- f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

The building is nestled amongst existing residential development and commercial uses. The site is located within the defined Neighbourhood Centre of Holland on Sea where mixed uses are typical. In the immediate locality on this side of Frinton Road commercial uses with residential units above dominate. There are residential

dwellings to the rear of the site fronting Colchester Road and a cluster of residential bungalows opposite the site. Furthermore, as well as the existing built form to the rear portion of the application site, there are examples of buildings extending rearward into their respective sites (Co-op, Holland Motors, Tesco Express, Clacton and District Stroke Association). Due to these unique site and context characteristics, a refusal based upon residential development to the rear of the site is unlikely to be sustained at appeal. Again, due to the unique site characteristics, the development could not be considered to set a harmful precedent for other similar forms of development.

Officers consider the fundamental issues here result from the amount of development trying to be achieved to the rear of the site and the resulting harm (covered in more detail below).

The existing Tavern building, whilst of its time, is of little architectural merit. Subsequent extensions and alterations have resulted in a somewhat incoherent appearance overall. The 3-storey scale of the building extends above surrounding development. The building, including the bland western side elevation, appear prominent in the street scene. Officers therefore support renovation of the building.

The front elevation encompasses an array of fenestration changes, including glazed recessed balconies, additional vertical brick pier detailing and tile hanging around the new openings. The western facing side elevation is to have minimal changes with a new window at both first and second floor levels (replacing existing second floor high level windows). The new roof terrace area includes glazed balustrade and hedgerow screen planting to the eastern end of the roof terrace, subdividing the space for communal use. The development also proposes a second floor glazed balcony area.

Officers note that the proposed floor plan drawing no. 13A shows the 2 existing high level windows retained. However, drawing no. 12A shows no side windows within the elevation.

Overall, the proposed alterations to facilitate the conversion of the upper floors into 4 no. apartments are considered acceptable in design terms, resulting in a positive impact on the street scene and character as a whole. However for reasons other than design reasons, improvements to the proposed outside spaces (roof terrace and balcony areas) would be required and this is covered in more detail within the 'Residential Amenities' section of the report below.

The rear portion of the site will accommodate a terrace of 3 no. 2 bedroom, 2-storey, flat roof houses. The use of external materials, fenestration design and use of horizontal banding and brick detailing result in pleasing overall design. However, as mentioned above, this part of the proposed development (i.e. the new terrace of 3 houses), due to the amount, footprint and width of the new terrace, is considered excessive in its context therefore resulting in a cramped, contrived and poor layout overall. The turning head encroaches into the frontage of Plot 5 and is the only turning area available for all users of the access. The dwellings are to be served by exposed and squeezed front, and cramped rear amenity areas, as well as highly exposed/visible (from other residential properties – see relevant section below) rear first floor balconies, all in an attempt to deliver an acceptable standard of outside amenity space for future occupants. The frontage of the dwellings are to be enclosed by fencing in an apparent attempt to create a private or semi-private area here and as shown on drawing no. PL0096.21.30A. However the exact height and details of the fencing is unknown and for these reasons it is not possible to assess both the visual impact of this element as well as how functional, practical and / or successful these areas will be from a design, defensible space and usability perspective. Alongside the narrow 2.8 metre wide access, a bin store, cycle stores and service entrance will be accommodated however details of these elements are unclear and officers consider, due to the already constrained nature of the site, that it is not possible to condition these elements because the successful practical functioning and implementation of these key elements go to the heart of the assessment. Only 5 parking spaces are provided for the overall development, all of which abut the building, proposed fencing or outside storage areas (the latter two elements of which it is entirely unclear how these will appear and function on site). The solid side elevation of the Co-op building, narrow access width of 2.8 metres, undersized parking bays, fence enclosures, other outside storage areas and overshadowing from existing and proposed buildings will result in a severely enclosed, cluttered and cramped form of development. The rear portion of the row of 3 houses will feel hemmed in with little direct sunlight entering those areas and

little opportunity for lasting and permanent landscaped areas externally to break up and soften the hard surfaced areas. This poor, cramped and contrived layout demonstrates that the proposed newly created build form to the rear is excessive especially when proper regard is given to site-specific characteristics as outlined above.

For these reasons, the proposed newly created terrace to the rear fails to respond positively to site context. Constraints at this part of the development site, for the reasons given, will appear squeezed and cramped and in turn will fail to deliver a well-considered site layout, resulting in a harmful form of over-development of the site contrary to adopted Local Plan Policies SP7, SPL3 and LP4.

4. Access, Parking and Highway Safety

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. Policy SPL3 Part B of the adopted Local Plan states that new development (including changes of use) must meet practical requirements; ensuring access to the site is practicable and associated additional traffic can be safely accommodated and that provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. These requirements could be secured by planning conditions in the event of an approval on site.

The EPOA Parking Standards 2009 set out the requirements for commercial and residential parking provision as follows:

Residential

- A 1 bedroom dwelling requires 1 vehicular parking space and a property of 2 or more bedrooms require 2 parking spaces. 1 secure covered cycle space per dwelling is also required. A lower provision of vehicle parking may be appropriate in urban areas (such as town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. Additionally, 0.25 spaces per dwelling (unallocated) (rounded up to nearest whole number) should be provided for visitors. The preferred vehicle parking bay sizes are set out in paragraph 3.2.1 of the standards stating that each space should be 5.5m x 2.9m. Paragraph 3.2.7 goes on to say that parking areas that are adjacent to solid structures such as a wall or fence should increase the width of these bays by 1m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle. The standards do allow for a minimum bay space of 5m x 2.5m, but this is in exceptional circumstances only.

Having regard to the above standards, the proposed development of 4 no. 2 bedroom apartments and 3 no. 2 bedroom houses, requires 16 spaces (rounded up and including visitor spaces) and 7 cycle spaces.

Drinking Establishments - Public Houses

- Vehicle - 1 space per 5 sqm
- Cycle - 1 space per 100 sqm for staff, plus 1 space per 100 sqm for customers

Based on an approximate internal measurement for the pub area only (not including the pub kitchen, toilets and other ancillary areas), the EPOA standards require 42 vehicle parking spaces and 4 cycle spaces.

This amounts to an overall commercial and residential vehicular and cycle parking requirement of:

Residential parking	16	Residential cycle	7
Pub parking	42	Pub cycle	4
TOTAL:	58		11

As advised at the pre-application enquiry stage, the plans that accompanied the enquiry at the time were wholly inadequate in terms of parking provision and turning. This current application has reduced the number of proposed units from 8 to 7.

Officers recognise that it would be wholly unreasonable to apply the above parking standard requirements rigidly to the proposed development, given that the pub (including snooker and function rooms) is established and falls short of the above requirements currently. Furthermore, the site is in a highly sustainable urban area where a lower provision of vehicle parking is considered appropriate.

The proposed development provides 5 parking spaces in total positioned to the side of the pub building and to the front of the proposed houses to the rear, 4 being in a parallel layout. Each space is 2.4 metres x 6 metres in size.

Officers have engaged with Essex County Council Highways (ECCHW) to understand how the proposed development has evolved following pre-application advice and a site meeting. The following points are considered relevant:

- The parking space proposed to the site frontage (for the pub manager) has been removed, as this was not achievable without overhanging the footway.
- A Size 5 Turning Head and double yellow lines have been incorporated to manage access and egress.
- Cycle parking racks in the shared lobby area of the main building
- The proposal would utilise an established private access road.
- The Tavern has currently 1 beer delivery a week that goes through the service entrance to the side of the building.
- The Co-op manages deliveries to the front of the store on Frinton Road - on average one delivery, 5 days a week and occasionally one additional delivery on 3 days per week. From the information provided the unloading/loading takes some 45 minutes.
- This proposal will remove the function rooms from the site, as such this will significantly reduce the number of vehicle trips when compared to its current use, also reducing any on-street parking in the surrounding roads.

Following formal consultation with ECCHW, as no significant harm to highway safety has been identified, they raise no objection subject to conditions. It would be unreasonable to refuse the application on highway safety grounds.

In the absence of an objection from ECCHW, officers' position is that the parking shortfall will be difficult to sustain at appeal, but purely insofar as the number of parking spaces provided is concerned. Setting aside the quantitative shortfall, the parking spaces fail to provide sufficient manoeuvring or circulatory space for pedestrians accessing their dwellings due to the restricted width and constrained layout, for example, most of the proposed car parking spaces will be located parallel and directly adjacent to either a side wall or fences to enclose patio areas. This further demonstrates the cramped, overdeveloped nature of the proposal with parking spaces and a turning area dominating the internal street scene, thus resulting in a poorly designed arrival point for future residents of the site.

The layout, design and functionality shortfalls result in unacceptable development contrary to adopted Local Plan Policy SPL3 Part B.

5. Residential Amenities and Environmental Protection

TDLPS1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. TDLPS2 Policy SPL 3 seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Noise

The application is accompanied by a Noise Impact Assessment dated March 2021. Consultation has been undertaken with the Council's Environmental Protection Team (EP) who have reviewed the

report. EP are satisfied with the report, its findings and its recommendations. The report confirms compliance can be achieved with the relevant British Standard (BS8233:2014) and the WHO recommended noise guideline values for residential properties; providing robust design measures, such as appropriate glazing are implemented. Section 11.7 of the report outlines an additional recommendation for a further base-line survey, at the time of Building Regulation drawings and Acoustic Detailed Design stage. In order to confirm the levels of achievement in reduction, in the event of an approval, a condition would need to secure the submission and approval of a formal report prior to the first occupation.

Providing a good acoustic design and build are implemented, as outlined in the NIA, the EP Team have no reason to object to the proposal. However, in order to protect the amenity of future residents, evidence of compliance with the recommended noise exposure levels, must be submitted to the LPA prior to the first occupation.

Private amenity space, overlooking and privacy

Since the time of the pre-application enquiry and submission of this current application, the 2013-2033 Local Plan has been adopted in full. The standards set out within the Council's pre-application enquiry response and addressed by the applicant within the accompanying DAS, have been fully superseded by Policy LP4. Policy LP4 seeks to ensure that new dwellings are served by a 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.

The inset balconies proposed to the front of the building facing Frinton Road are considered acceptable. These will provide an area of outside space for future occupants without resulting in any harmful overlooking or loss of privacy to neighbouring dwellings opposite. These, together with the communal rooftop garden area are considered sufficient to meet the needs and expectations of future residents of the flatted element of the scheme.

There are number of upper floor rear facing windows within the existing building. The adjacent flats at numbers 59A to 63A Frinton Road are served by a rear access and balcony areas. This means that existing views from the application site toward the existing dwellings fronting Colchester Road to the north are already possible. The proposed rooftop garden areas retain a distance of approximately 26 metres to the rear boundaries of the dwellings fronting Colchester Road and a further 17 metres to their rear elevations. Whilst the introduction of rear balconies may result in a feeling of being overlooked, the distance between these proposed balconies and the private gardens of existing properties fronting Colchester Road ensures no significant loss of privacy or harmful overlooking will result. Existing trees and vegetation on the rear boundary will also help soften any impact to some degree.

A front and rear garden area, plus first floor rear balcony, will serve each of the 3 proposed terrace houses to the rear of the site. The front patio areas are set back from Holland Road and therefore somewhat screened from public view but fail to provide a private space. The frontage of the dwellings will be exposed to all users of the access and turning area, including traffic associated with the Co-op, as well as overlooked by the proposed roof terrace on the main existing building. The amenity areas proposed to the rear of the houses are small, cramped and the first floor balcony areas in particular will allow overlooking between these plots, as well as views from the proposed rear balconies of the proposed new terrace towards existing rear balconies serving the adjacent flats to the east of the site.

The proposal includes 2 roof terrace areas; 1 to serve Plot 1 and the other to serve as a communal area for the other 3 apartments. The plans show how these areas will be subdivided by obscure glazed balustrade and/or planting. Similar to the contrived layout concerns highlighted above, the extent of enclosures and subdivisions proposed also demonstrates that the site cannot comfortably accommodate the number of units proposed without undue harm being caused to residential amenity areas as outlined above and below. By virtue of the width, depth, height and close proximity to the main Tavern building, the terraced houses will fail to deliver an acceptable development in terms of residential amenities. Consequently, the number of units and amenity spaces concentrated in this rear portion of the site will result in harmful intervisibility and overlooking between the terraced

houses, the flats contained within the converted main building and the adjacent flats above the commercial premises.

Poor outlook and loss of sunlight

Numbers 10 and 12 Colchester Road (both bungalows) share the rear boundary with the application site. The 2-storey part of the existing Tavern building is over 30 metres from the shared boundary and over 50 metres to the rear facing elevation of these dwellings. The existing single storey height Co-op building extends further rearward, closer to 10 and 12 Colchester Road.

The proposed dwellings will be positioned approximately 1 metre from the rear boundary fence of the neighbouring dwellings with an overall flat roof height of 6.4 metres. The development will result in unneighbourly and overbearing relationship, harmful to the residential amenities of the occupiers of the properties fronting Colchester Road. The height, close relationship and orientation of the site will also result in a loss of sunlight to the garden areas of the dwellings especially due to the proximity of the application site directly due south of these dwellings.

Furthermore, the rooftop terrace to serve plot 1 (first floor rear facing flat) is located adjacent to the proposed terrace of dwellings and there will be clear views from the north western area of this rooftop terrace area towards first floor window areas of the first (southern-most) new dwelling, as well as clear views down towards what is supposed to be a front patio/amenity areas for the occupiers of the new dwellings

For the reasons set out above, the proposal amounts to overdevelopment of the site. The number of dwellings proposed, together with the massing and close siting of the proposed rear houses will result in a cramped, unneighbourly relationship with existing and proposed dwellings failing to provide a good standard of residential amenity in conflict with adopted Local Plan Policies SPL3 and Policy LP4.

6. Trees and Landscaping

Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

No trees or other vegetation will be adversely affected by the development proposal. There is little scope for soft landscaping due to the characteristics and density of the built development.

7. Biodiversity Net Gain

Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities minimise impacts on and provide net gains for biodiversity. Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by appropriate mitigation and biodiversity enhancements to ensure a net gain.

These requirements could be secured by planning conditions in the event of an approval on site via the submission and approval of a Biodiversity Mitigation and Enhancement Scheme.

8. Drainage and Foul Sewage Disposal

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements. The accompanying application form (question 13) confirms that foul sewage disposal will be via the mains sewer in compliance with the above national and local plan policies and drainage hierarchy.

9. Planning Obligation - Open Space and Play Space Provision

TDLP Section 2 Policy HP 5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions. The contribution would be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.

There is currently a deficit of 17.68 hectares of equipped play/open space in Holland/Clacton-on-Sea. Any additional development in Holland/Clacton will increase demand on play facilities further. Due to the overall deficit of play facilities and open space a contribution is both relevant and justified to this planning application. The nearest play area and open space to the site is located on Hereford Road. This play area will need further improvements to cope with any further development. Therefore, the contribution received will be used at the play area and open space at Hereford Road, Holland on Sea.

The application is accompanied by a completed Unilateral Undertaking securing the required contribution in compliance with the above.

10. Planning Obligation – Recreational Disturbance Mitigation

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

This residential development lies within the Zone of Influence, being approximately 8000 metres from Colne Estuary Ramsar site and the Essex Estuaries SAC. In order to ensure that the development would not adversely affect the integrity of Habitats sites in line with TDLPS1 Policy SP2, TDLPS2 Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 a proportionate financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is required.

The application is accompanied by a completed Unilateral Undertaking securing the required contribution in compliance with the above.

11. Representations

The site is located within the non-parished area of Clacton-on-Sea.

2 letters of objection have been received neighbouring residents. The concerns raised can be summarised and addressed as follows (officer response in italics);

- Insufficient parking provision.
- Will worsen existing parking and congestion problems.
- Too restrictive for lorries.
- Overlooking and loss of privacy.

Highway matters and residential amenity are address in the main report above.

12. Overall Planning Balance and Conclusions

The application site is within the defined Settlement Development Boundary where the principle of residential development is acceptable subject to compliance with all other relevant local plan policies. The site is therefore within a sustainable location recognised by national and local plan policy. The provision of 7 dwellings (net increase of 6 accounting for the existing managers flat) will contribute to boosting the 5 year housing land supply and also provide economic benefits through job creation during construction and additional spend from future residents in the local economy. Having regard to the Council's ability to demonstrate in excess of the 5-year housing supply, collectively, these only amount to moderate weight in favour of the development.

Officers are satisfied that the loss of the function rooms will not result in shortfall of provision to the detriment of the viability of the Tavern Pub, the vitality of the Neighbourhood Centre or the community needs of local residents and is therefore compliance Local Plan Policy HP2. The application is accompanied by a completed Unilateral Undertaking securing financial contributions toward recreational disturbance mitigation and open space in compliance with adopted Local Plan Policies SP2, PPL4, Regulation 63 of the Conservation of Habitat and Species Regulations 2017, the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and Policies HP5 and DI1. Both these factors are of neutral weight in the overall planning balance, merely being policy compliant. Furthermore, subject to a condition securing the submission and approval of a further formal base-line survey report prior to the first occupation, the development is considered acceptable in terms of noise and compatibility of uses.

The proposed physical alterations to the existing building to facilitate the conversion to 4 flats are acceptable and the improved appearance of the Tavern building will contribute positively to the street scene. The improvements to the existing building therefore weigh in favour of the application.

In isolation, the design and appearance of the proposed dwellings is also considered acceptable. However, in this instance 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 overdevelopment of the site. The internal layout, massing and siting of the proposed dwellings and positioning of the associated amenity areas results in intervisibility and overlooking between the proposed flats, proposed houses and existing adjacent flats. Essex County Council Highways raise no objection in terms of highway safety or accessibility. A refusal based on highway safety alone would therefore be unreasonable in the absence of support from the Highway Authority. However, based on the assessment above, the constrained layout and undersized parking results in poor spacing and manoeuvrability.

The proposed development also fails to deliver a well-considered site layout and fails to deliver a good standard of amenity for existing and future residents. This identified harm demonstrably outweighs any benefits of the scheme.

The proposal is therefore contrary to national and local plan policy and is recommended for refusal.

6. Recommendation

Full - Refusal

7. Reasons for Refusal

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.

8. Informatives

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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO