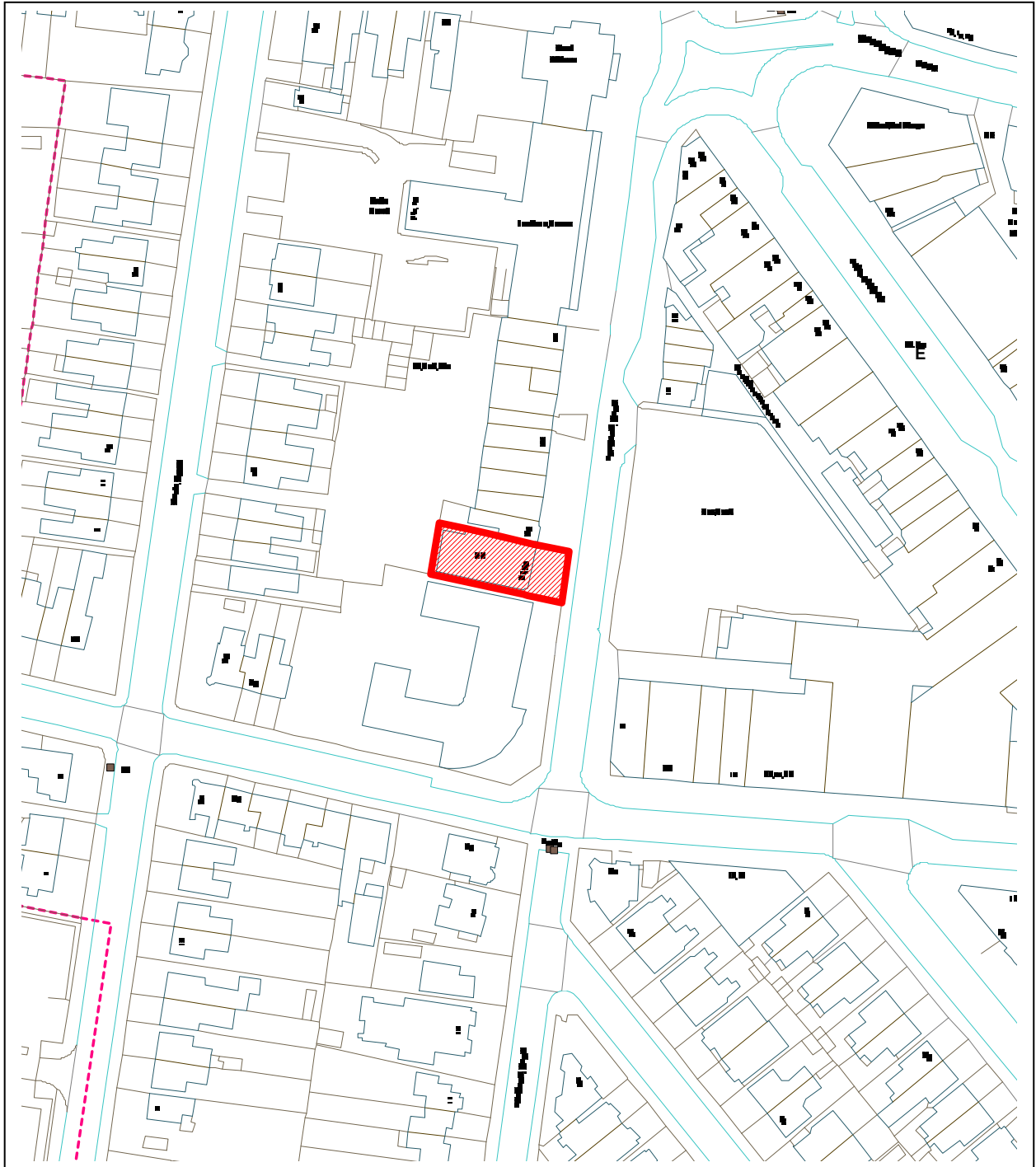


PLANNING COMMITTEE

15 MAY 2012

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.5 PLANNING APPLICATION - 12/00099/FUL - 23 JACKSON ROAD, CLACTON-ON-SEA, ESSEX, CO15 1JA



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	12/00099/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr E Caro	
Address:	23 Jackson Road, Clacton-on-Sea, Essex, CO15 1JA.	
Development:	Change of use and alterations to form six housing apartments and one retail/office unit.	

1. Executive Summary

- 1.1 This application is before Members as it has been called in by a Ward Member due to a lack of amenity space; highways/other traffic issues; and negative impact on neighbours. It involves the loss of a public house and the replacement with a retail/office unit on the ground floor, 6 flats on the first and second floors and a roof terrace on the roof. Whilst the loss of the public house as a community facility is regrettable, its loss is outweighed by the fact the proposed mixed use scheme will bring the building back into beneficial use and will provide a new retail unit and housing in the town centre which is also well served by other public houses and clubs. The scheme is supported by the Regeneration Team. The scheme also takes the opportunity to improve the façade of the building with a new rendered parapet wall in place of the unattractive metal handrail on the roof.

Recommendation: Approve

Conditions:

- 1) Time Limit
- 2) Development in accordance with the plans

Reason for approval:

The loss of the public house is regrettable but its loss is outweighed by the fact the proposed mixed use scheme will bring the building back into beneficial use and will provide a new retail unit and housing in the town centre which is also well served by other public houses and clubs. The scheme also takes the opportunity to improve the façade of the building with a new rendered parapet wall in place of the unattractive metal handrail on the roof. Therefore the scheme is an improvement on the existing situation and complies with the development plan.

A representation from the Tendring CAMRA branch was carefully considered, in particular the comments relating to the draft National Planning Policy Framework (NPPF) have been carried across in the NPPF. The objection due to the loss of a public house, inaccuracies in the Design and Access Statement and application form and the lack of private amenity space was carefully considered but did not warrant the refusal of a mixed use scheme that will bring a new retail/office unit and 6 flats to the town centre in close proximity to existing local services including other public houses.

2. Planning Policy

National Policy:

National Planning Policy Framework

Local Plan Policy:

QL9	Design of Development
QL10	Designing New Development to Meet Functional Need
QL11	Environmental Impacts and Compatibility of Uses
ER3	Protection of Employment Land
ER32a	Primary Shopping Area
HG3	Residential Development within Defined Settlements
HG11	Residential Conversions over Shops and Offices
COM3	Protection of Existing Local Facilities and Services

3. Consultations

Public Experience – (Environmental Health) No objections.

Regeneration - Regeneration is aware that this pub has been vacant for an extended period of time. This change of use is therefore welcomed as it has the potential to add vibrancy to the area which would benefit from additional footfall.

Essex County Council Highways – No objections.

4. Representations

One representation was received from a representative of Tendring CAMRA. This objected on the following grounds:

- The loss of the public house is unacceptable in light of the NPPF.
- Lack of car parking.
- The DAS makes reference to the car park to the rear which is for Reunion House only.
- Lack of private amenity space.

- These issues will be addressed in the report.

- Inaccuracies in the Design and Access Statement (DAS) and application forms.

Officer Response: The minor inaccuracies in the DAS and on the application form are not material to the case and do not warrant a refusal of the scheme.

5. Assessment

The main planning considerations are:

- Site Description;
- The Proposal;
- Loss of Public House/NPPF Implications;
- Loss of Employment Land;
- Impact on Neighbours;
- Amenity Space Provision;
- Parking/Highways, and;
- COM6.

Site Description

- 5.1 The Crab and Pumpkin is located on Jackson Road between the 3 flats at 25 Jackson Road to the north and St Helens Hospice to the south. The car park to Reunion House is located to the west.
- 5.2 The ground floor is a pub, the first floor is already a flat and the second floor appears to have been used as office space but has not functioned as an office for many years.
- 5.3 Apart from the small seating area on the frontage, the building has virtually no connected outside space. There is access to the roof by way of a ladder.

The Proposal

- 5.4 The application proposes the change of use of the ground floor to a shop or office. To the rear of the ground floor there is a shared cycle parking area and space for refuse/recycling. Each flat will also have an individual store cupboard on the ground floor. The first and second floors will be converted to 6 flats, consisting of 2 flats with 1 bedroom, 2 flats with 2 bedrooms and 2 flats with 3 bedrooms. The roof will be used as a roof terrace which is discussed below.

Loss of Public House/ NPPF Implications

- 5.5 Paragraph 70 of the NPPF states that planning decisions should plan positively for the provision and use of community facilities, which includes public houses. It goes on to state that decisions should guard against the unnecessary loss of “valued facilities and services, particularly where this would reduce the communities ability to meet its day-to-day need”.
- 5.6 The saved Local Plan does not contain a specific policy to prevent the closure of public houses. Policy COM3 seeks to protect existing local services and facilities, but this would not prevent the loss of the pub as point (b) of the policy states that the loss is acceptable if there are similar facilities within walking distance (800 metres) which there is in this case.
- 5.7 In this instance, your officers consider that the loss of the public house, although regrettable, would not be materially harmful to the viability of the town centre or to the local community. Apart from the CAMRA representation, no further representations were received and therefore there has been no clear groundswell of support from the local community for the retention of the pub. There is no indication that the loss of the pub would reduce the community’s ability to ‘meet its day-to-day need’.
- 5.8 The NPPF is supportive of residential uses in town centres and states that LPA’s should recognise that residential development can play an important role in ensuring the vitality of town centres. This mixed used scheme complies with these sentiments.

Loss of Employment Land

- 5.9 The second floor office space is not currently in use and according to the applicant it has not been used as an office for many years. The conversion of the second floor into flats would therefore involve the loss of some employment land. On balance this is acceptable in the light of NPPF paragraph 51 which requires Local Planning Authorities (LPA's) to approve applications for the conversion of commercial buildings to residential providing there are no strong economic reason for not doing so. Furthermore the Regeneration Team support the scheme due to the positive impact the scheme will have on the town centre in terms of vibrancy.

Impact on Neighbours

- 5.10 The rear elevation of 23 Jackson Road has a number of existing windows that look down into the car park to the rear and towards the rear gardens of the dwellings on Ellis Road. There is more than 25 metres between the rear boundary of the application site and the rear boundaries of the dwellings on Ellis Road, some of which have small but well used gardens. There are also existing windows in the flank of 23 Jackson Road that look down into the small garden of the flats to the north, and existing windows in the southern elevation that face the flank wall of the St Helena Hospice. One additional window is proposed in the southern flank at second floor level.
- 5.11 As all but one of the windows above first floor on the rear and sides of 23 Jackson Road are existing and taking the back to back distances into account, your Officers consider that this proposal will not cause a materially harmful impact on neighbouring amenity. No representations from neighbouring properties have been received.

Amenity Space Provision

- 5.12 The original submission provided no private amenity space. The DAS mentioned the possibility of a roof terrace to provide private amenity space. Following discussions with the applicant and agent the applicant has amended the scheme to provide 182 square metres of roof terrace amenity area. A surrounding 1.8 metre fence and a lower rendered 1.3 metre parapet wall to the front elevation will also be provided, thus removing the unattractive tubular metal handrail that currently exists and is visible from Jackson Road. It will also require the creation of a small new rendered staircase exit block on the roof and will facilitate the removal of the existing shed like structure that currently provides access to the flat roof and is visible from the rear. The scheme therefore complies with policy HG9 which requires 25 square metres of private amenity space per flat shared communally.
- 5.13 A 900 millimetre gap has been left between the proposed fence and the edge of the building which will prevent occupants from standing on the edge and looking down into the neighbour's private amenity space. Therefore your Officers consider that the provision of the roof terrace will not have a harmful impact on neighbouring amenity.

Parking/Highways

- 5.14 This application has no off street parking provision. The DAS notes nearby car parks but it is not realistic for residents to park their cars in local car parks on a long term basis and so this scheme must be assessed as having no off street parking provision. To compensate cycle storage for 16 cycles has been provided.

- 5.15 The adopted Parking Standards allow for a lack of off street parking provision in a town centre location such as this. Therefore this application is acceptable in parking terms.
- 5.16 There is no new means of vehicular access proposed and Essex County Council Highways department have no objection to the scheme. Therefore the scheme is acceptable in highway terms.

COM6

- 5.17 A Unilateral Undertaking for a financial contribution of £6721.00 towards public open space has been provided and therefore this proposal complies with saved policy COM6.

Background Papers.

None.