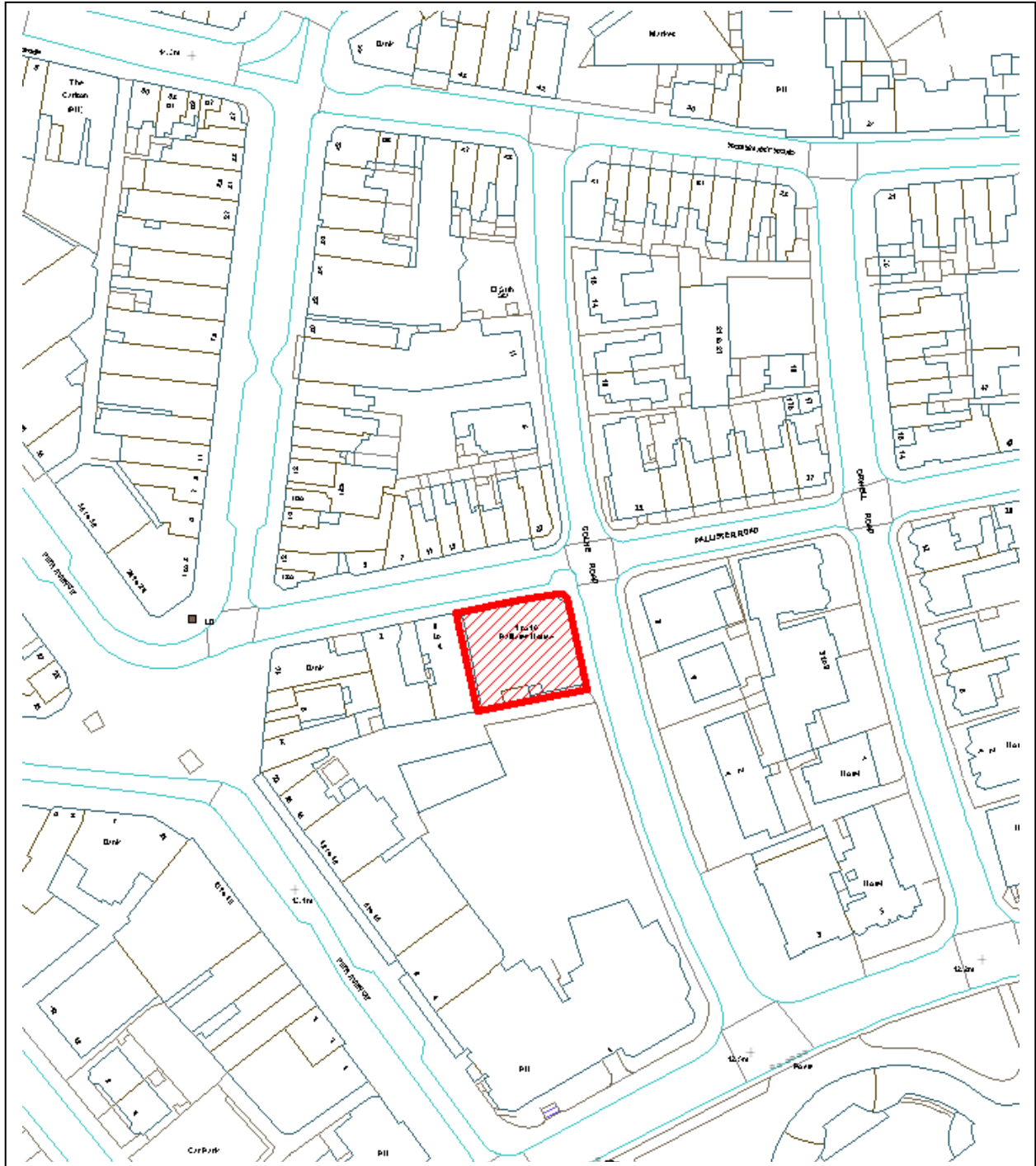


PLANNING COMMITTEE

4 SEPTEMBER 2012

REPORT OF THE ACTING HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/00224/FUL - 10 - 12 PALLISTER ROAD, CLACTON-ON-SEA, CO15 1PQ



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Application:	12/00224/FUL	Town / Parish: Clacton - Non Parished
Applicant:	Clacton Family Trust Limited	
Address:	10 - 12 Pallister Road, Clacton-on-Sea.	
Development:	Change of use and conversion of four ground floor shop units from retail use to five self-contained flats together with associated external alterations and the retention of design alterations carried out during construction of the building approved under 08/00544/FUL.	

1. Executive Summary

- 1.1 This application is before Members as it involves a departure from the saved Local Plan. It involves the retention of the existing scheme as built, the loss of 3 retail units and the replacement with 5 flats on the ground floor within the Primary Shopping Area. The changes to the previously approved scheme on site are acceptable as the scheme complies with adopted policy. The retention of the uPVC windows in the Conservation Area is acceptable on a modern building such as this in an area where many of the buildings have replacement uPVC windows.
- 1.2 The scheme has come with supporting evidence of the unsuccessful marketing campaign. The loss of the retail units is regrettable but it is outweighed by the fact the proposed scheme will bring the ground floor of the building into beneficial use and will provide new housing in the town centre. The Regeneration Team has no objection to the scheme and no representations from the public were received. The scheme also takes the opportunity to improve the façade of the building by removing the boarded up shopfronts and replacing them with windows to match those on the first and second floor. Therefore on balance, the scheme is acceptable.

Recommendation: Approve

Conditions:

1. Time Limit.
2. Plans Condition.
3. No windows opening out over the highway.
4. Prior approval of window and brick details.

Reason for approval:

The changes to the previously approved scheme on site are acceptable as the scheme complies with adopted policy. The retention of the uPVC windows in the Conservation Area is acceptable on a modern building such as this in an area where many of the buildings have replacement uPVC windows.

The scheme has come with supporting evidence of the unsuccessful marketing campaign. The loss of the retail units is regrettable but it is outweighed by the fact the proposed scheme will bring the ground floor of the building back into beneficial use and will provide new housing in the town centre. The Regeneration Team has no objection to the scheme and no representations from the public were received. The scheme also takes the opportunity to improve the façade of the building by removing the boarded up shopfronts and replacing them with windows to match

those on the first and second floor. Therefore this scheme will enhance the Clacton Conservation Area.

2. **Planning Policy**

National Policy:

National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan 2007

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

EN17 Conservation Areas

CL7 New Town Centre Retail and Mixed-Use Development

3. **Relevant Planning History**

- 3.1 In July 2008 planning approval 08/00544/FUL was granted for the mixed used development that currently stands on site.

4. **Consultations**

Environmental Services – No objections.

Regeneration – As this proposed development is outside the primary shopping frontage, the Regeneration team have no objections to the proposed change of use.

ECC Highways - The Highway Authority raises no objection subject to a condition preventing windows and door opening out over the highway and the provision of on site cycle and powered two wheeler parking.

5. **Representations**

None received.

6. **Assessment**

- 6.1 The main planning considerations are:

- Site Description;
- The Regularisation Works;
- The Conversion of the Ground Floor Units;

- Policy Implications;
- Conservation Area Implications;
- Impact on Amenity;
- Parking/Highways;
- Amenity Space Provision; and,
- COM6.

Site Description

- 6.2 The site is located on the corner of Pallister Road and Colne Road in the Clacton Conservation Area. The existing building consists of 4 retail units on the ground floor with 10 flats above. The retail units are boarded up as they have never been let and therefore have never been fitted out.
- 6.3 The Royal Hotel development site is located to the south which currently houses a car park. Numbers 4 to 8 Pallister Road is located to the West which house retail units on the ground floor and flats above.

The Regularisation Works

- 6.4 The original scheme was built under 08/00224/FUL. On site a number of elements of the building have not been constructed in accordance with the approved plans and the first element of this application seeks consent to retain the building as built. The changes are as follows:
1. Staircase from ground floor amenity area to the first floor roof terrace omitted.
 2. Lobby accessing the ground floor amenity area created. This was built to link 2 or 3 of the Shop Units at the request of a potential purchaser at the start of the job.
 3. New wall between cycle/buggy store and rear amenity area, and roller shutter access provided to make store more secure and easier to access while on a mobility scooter.
 4. Planting feature omitted to provide larger roof terrace/amenity area with stores under.
 5. Balconies at third floor level omitted and the internal wall arrangement modified slightly.
 6. Second floor balconies built as one continuous balcony including return and new doorway in lieu of window, to provide access to lift from Flats 5 & 6.
 7. The windows fitted are uPVC for maintenance purposes for the future tenant. These have been set back from the facing brickwork as shown on the approved details with stone heads and cills.
- 6.5 In assessment;
1. The external staircase was not needed for building control purposes and the terrace is accessible by internal staircase and by the lift. This is acceptable in planning terms.
 2. The creation of the ground floor lobby is of no planning consequence as it represents an internal alteration and is therefore acceptable.
 3. The roller door is acceptable in the Conservation Area as it is recessed and is therefore not prominent in the street scene.
 4. The removal of the planting area is acceptable as it has provided a larger usable amenity space, has allowed for more storage and is not publically visible. The

larger terrace is well used, houses picnic tables, planters with shrubs and a gas barbeque.

- 5 & 6) The omission of the balconies at a first floor level and the construction of continuous balconies on the first floor is acceptable. The roof terrace shared amenity space is accessible to the residents of these flats and in a town centre location, close to the seafront, a reduced amenity space provision is acceptable.
7. The uPVC windows which are sash like in appearance but swing out to open were originally approved as timber sliding sash windows which is preferable in the Conservation Area. However on a modern building in the context of the area where many of the buildings now have replacement uPVC windows, this change is also acceptable.

6.6 As the regularisation of the building as built does not significantly affect the overall appearance of the building or the manner in which it works, these changes are acceptable.

The Conversion of the Ground Floor Units

6.7 The second element of this application is the conversion of the 4 vacant ground floor retail units into 5 flats. There are 4 flats with 1 bedroom and 1 flat with 2 bedrooms proposed.

6.8 The flats have been designed so all the units have living rooms and bedrooms that have windows for natural light. Flats 13 and 14 have bathrooms and kitchens that will not benefit from natural light. To access the bathroom to Flat 13 one must first pass through the kitchen. This is less than ideal but in light of what has been approved upstairs on balance the scheme is acceptable in layout terms.

Policy Implications

6.9 This application is before Members as it is a departure from saved Local Plan Policy ER32a – Primary Shopping Area. This policy states that “within this area, non-retail development at ground floor will not be permitted” and the site sits on the edge of this area. It would also result in the loss of employment land contrary to Policy ER3. The scheme is also contrary to Policy CL7 which sought to provide a mixed used development on this site with retail at the ground floor and residential above as was originally approved.

6.10 The application has come with evidence of the unsuccessful marketing campaign to rent out the units. The estate agents and land consultants involved have provided written confirmation that they have been advertising the units from December 2008 to the present day with no interest. The feedback that they received from prospective tenants noted the peripheral location. They conclude that it seems unlikely that these retail units will ever be successfully occupied.

6.11 Paragraph 51 of the NPPF requires Local Planning Authorities’ to approve applications for the conversion of commercial buildings to residential providing there is no strong economic reason for not doing so. Furthermore, the NPPF is supportive of residential uses in town centres and states that Local Planning Authorities’ should recognise that residential development can play an important role in ensuring the vitality of town centres.

6.12 Taking into account the location at the edge of the Primary Shopping Area, the unsuccessful marketing campaign and the lack of objection from the Regeneration Team, on balance a conversion to residential is acceptable.

Conservation Area Implications

- 6.13 As it stands, with the boarded up ground floor shop front windows the site appears as unfinished which does not preserve or enhance the Conservation Area. The plans to replicate the same windows in a larger form and brick detailing as on the first and second floors will preserve the Conservation Area. Therefore this scheme is beneficial in Conservation Area terms.

Impact on Amenity

- 6.14 As this scheme does not propose any extensions and as the new windows are to be installed at a ground floor level, this scheme will not have a materially harmful impact on neighbouring amenity.

Parking/Highways

- 6.15 This application has no off street parking provision. To compensate each flat has a separate store of 1m by 1.75m which could be used for cycle storage.
- 6.16 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.
- 6.17 There is no new means of vehicular access proposed and Essex County Council Highways department have no objection to the scheme. They have requested a condition to prevent the windows opening out over the highway which will be imposed. They have also requested the prior approval of a cycle/powered two wheeler store. As the scheme has storage facilities that could take a cycle and there is no scope for another store, this condition will not be imposed.
- 6.18 Therefore the scheme is acceptable in highway terms.

Amenity Space Provision

- 6.19 There is no scope for this scheme to provide more amenity space than the existing first floor roof terrace that the proposed flats will also have access to. In this instance this is acceptable due to the site's close proximity to the beach and Clacton's other amenities.

COM6

- 6.20 A Unilateral Undertaking for a financial contribution towards public open space has been provided and therefore this proposal complies with saved Policy COM6.

Background Papers

None