

# **Planning, Design and Access Statement**

**Site at:**

**The Tavern,**

**55 Frinton Road,**

**Holland on Sea,**

**Clacton, CO15 5UH**

Date: May 2021

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## **1. Introduction**

1.1 This statement is submitted on behalf of the owners of the land (Anglia Holland Pub & Clubs Ltd) in support of a full planning application for:

- i) the change of use of the first and second floors of the building from an ancillary function room, snooker room and manager's flat to 4 x No.2 bedroom flats
- ii) Elevational changes to the building
- iii) Demolition of a single storey function room to the rear of the building and the erection of 3 x No.2 bedroom houses
- iv) Parking and turning areas, refuse storage and collection areas.

1.2 This Statement sets out a description of the proposal in Section 2 and the site and surrounding area in Section 3. Section 4 provides relevant planning history and Section 5 the Planning Policy Context. Section 6 identifies and assesses the main issues relating to this application. A short conclusion is included in Section 7.

## **2. Proposal**

### Change of use

2.1 The change of use and conversion of the upper floors of the building comprises the loss of a small function room on the first floor and the loss of a snooker room and a manager's flat on the second floor. They will be replaced with 4 x No.2 bedroom flats.

2.2 The entrance to the flats will continue to be from the existing staircase via a set of double doors facing onto Frinton Road. This entrance is separate from the entrance to the public house on the ground floor.

- 2.3 The first floor will contain two flats (facing forward and rearward), with the front flat having an 'inset' balcony area and the rear flat having access on to the roof of the retained single storey rear extension, where it will have a private amenity area. The front facing flat will have an amenity area provided by its balcony of 5 sq m. The rear facing flat will have an amenity area on the roof of 50 sq m.
- 2.4 The second floor flats would also be forward and rearward facing. With the rooms 'stacked' to match the first floor layout of rooms (i.e. bedrooms will be above bedrooms, and living rooms above living rooms). The front facing flat will have an inset balcony area as its private amenity space (5 sq m). The rear facing flat will have a 'jettied' balcony area as its private amenity space (5 sq m).
- 2.5 All four flats will also share a communal, private amenity area that will be enclosed with landscaping and low fencing, and will be accessed from the shared staircase serving the upper floors of the building. This is 30 sq m.
- 2.6 The flats will have their own refuse storage and collection areas, cycle parking racks in the shared lobby area and their own parking space alongside the building.

#### Elevation Changes

- 2.7 The elevation changes to the building comprise the provision of the first and second floor inset balconies, on the front of the building – with the fenestration changed to doors to allow access to these areas. There will be changes to the rear facing second storey flat, through the provision of doors in place of a window and a rear balcony area. The demolition of part of the single storey rear extension will require the internal layout of the 'back of house' part of the pub to be changed which would also result in a new door to the side and elevational changes to the side of the building.

### Erection of Three Houses

- 2.8 The single storey extension to the building, containing the function room, is proposed to be demolished, including the loss of the small smoking yard/beer garden area behind it, close to the rear boundary of the site with the properties in Colchester Road.
- 2.9 The proposal includes the erection of a terrace of three, two storey houses each containing two bedrooms. They will have a frontage onto the private access road which leads from Frinton Road. They will have front and rear gardens, a rear balcony, their own car parking space and refuse and cycling storage areas.
- 2.10 Due to their distance from the highway, a refuse collection area is proposed, closer to the highway.

### Other Elements of the Scheme

- 2.11 The layout of the scheme provides a 'Type 5' turning area serving the whole development. This is provided at the request of the Essex Highways' Officer. 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.

### Submitted Drawings/Documents

- 2.12 The planning application is accompanied by the following drawings/documents:
- PL0096 21 10 - Proposed Roof & Grain Plan
  - PL0096 21 11 - Proposed Ground Floor Plan
  - PL0096 21 12 - Proposed First Floor Plan
  - PL0096 21 13 - Proposed Second Floor Plan
  - PL0096 21 14 - Proposed South East Elevation

- PL0096 21 15 - Proposed South West Elevation
- PL0096 21 16 - Proposed North East Elevation
- PL0096 21 17 - Proposed North East Elevation (2)
- PL0096 21 18 - Proposed North West Elevation
- PL0096 21 19 - Proposed North West Elevation (2)
- PL0096 21 20 - Proposed North West Elevation (3)

- As Existing Ground Floor Plan
- As Existing First Floor Plan
- As Existing First Floor Plan (2)
- As Existing Second Floor Plan
- As Existing Second Floor Plan (2)
- As Existing Front Elevation
- As Existing Rear Elevation
- As Existing East Elevation
- As Existing East Elevation of adjacent building

Site Location Plan

Acoustic Report

Topographical Survey

Photographs of Site and Surrounding Area

Architect's Design & Access Statement

### **3. Site and Surrounding Area**

3.1 The application site falls within the urban area of Clacton, in the designated District Centre of Holland on Sea.

3.2 The property comprises an extended three storey building; with a three storey rear extension with a flat roof and a single storey rear extension with a flat roof.

The front of the property is served by a dropped kerb on Frinton Road, its own access and a shared access shared with the Co-Op located to the west of the access. The shared access is some 3m wide and is used by the Co-Op and pub operations only. The deliveries for both the Co-Op and pub take place on Frinton Road.

- 3.3 The ground floor of the building is currently occupied by “The Tavern”, which is a members only public house in the front section of the building; its kitchen, cellar, storage and ancillary areas in the middle section/rear of the building, and its own function room contained within a single storey rear extension beyond this. There is a small yard adjacent to the pub’s function room currently used for parking and as a beer garden/smoking area. Parking is available alongside the building, where there is also an emergency/service access from/into the kitchen area. This strip of land running along the site from front to back, is wholly within the ownership of the applicant and does not form part of the ‘shared’ access with the Co-op.
- 3.4 There is a separate access and communal staircase to the upper floors from the front of the building. The upper floors contain a former function room (first floor), which is vacant, and a snooker room with manager’s flat (second floor).
- 3.5 The application building is of no particular design merit. It has a rectangular form, with a flat roof. Its external finishes comprise red facing brick, tile hanging on the upper floors, with a creamed painted, rendered side elevation. The single storey rear extension is of blockwork construction, rendered and painted white.
- 3.6 The first floor of the building has a small bar area and is open plan – but with supporting pillars throughout. The second floor is divided into a small snooker room and a 2 bedroom manager’s flat.
- 3.7 The function room is accessed through the middle area of the pub passing the kitchen door and from the side access, alongside the building. The function room has a bar area and a set of toilets. It has a low ceiling height and high level, non-opening windows.

3.8 The district centre contains an eclectic mix of uses and buildings with varying designs and scales. There is a public car park on the corner of Ipswich Road.

#### **4. Planning History**

4.1 The building was erected in the early 1970s as three shops with maisonettes above.

4.2 Planning Application 01/00211 was granted for the change of use of the second floor to accommodate a manager's flat. The use of the flat was restricted to staff accommodation only.

4.3 Pre-Application advice was sought from the Council in September 2020 and a reply was received in January 2021.

4.4 Pre-Application advice was also sought from Essex Highways' Strategic Development Engineer in 2021, with regard to parking standards and highway safety implications.

4.5 This submission follows on from the advice received.

#### **5. Planning Policy Context**

5.1 The Tendring Local Plan, was adopted in 2007. The application site falls within a designated District Centre (Holland on Sea) under Policy ER31, within the Plan. The site is not otherwise allocated or designated within the Local Plan.

5.2 Policy QL1 – sets out the spatial strategy for the area and directs new development to the settlement boundaries, which includes Clacton, in which the application site is located. This strategy consolidates development and growth to within existing settlements and seeks to reduce the reliance on the private car; providing transport choices, and locating development within easy reach of public facilities and amenities.



- 5.3 Policy QL9 seeks design quality in new development.
- 5.4 Policy ER3 seeks to protect premises in employment use.
- 5.5 Policy HG3 directs new housing development to the settlements. Policy HG9 seeks private amenity areas to be provided for each new two bedroom house. This equates to 75 sq m per two bedroom house and a minimum of 5 sq m for flats above ground floor level. Backland residential development is allowable under HG13 subject to certain criteria.
- 5.6 Policy TR7 seeks appropriate parking for new development.
- 5.7 The North Essex Authorities' Shared Strategic Section 1 Plan was adopted as a development plan document in January 2021. It sets out the strategic strategies and policies for Tendring and its neighbouring Districts. Of particular relevance is Policy SP7 which seeks high standards of design.
- 5.8 Section 12 of the NPPF is relevant to the consideration of this application, in that it seeks to achieve well-designed places and to reject poor design. Paragraph 127 is particularly relevant in that it requires the design of new development to be sympathetic to local character and history, to function well, add to the overall quality of the area and to be visually attractive.
- 5.9 Section 2 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the Framework.
- 5.10 Section 5 of the NPPF seeks to ensure the delivery of a sufficient supply of homes.
- 5.11 The Tendring Local Plan 2013-2023 Publication Draft Local Plan has been submitted to the Secretary of State in anticipation of the Examination in Public. Some weight can be attributed to this Plan.

- 5.12 The Publication Draft Plan expressly sets out to direct growth and locate development to areas that would enable people to meet their day to day needs - such as employment, shopping and educational needs. Clacton on Sea is recognised as a strategic settlement for the purposes of growth.
- 5.13 Policy PP6 seeks to protect employment sites – but not buildings providing an ancillary function and where there would be no overall loss of employment.
- 5.14 The application’s ancillary function building and function space at first floor level are not considered to fall under the definition of providing or being able to provide a community facility, under the Publication Draft Local Plan’s definition of community facilities.

## **6. Main Issues**

6.1 The main issues arising from the application are:

- i) the principle of the development within the policy context
- ii) the effect of the proposal on the character and appearance of the area
- iii) the effect on residential amenity
- iv) the effect on highway safety
- v) other issues

i) The principle of the development

6.2 The proposed development would be located on a previously developed parcel of land within the urban settlement, that is currently occupied by a single storey extension that has a function room and is used in connection with, and ancillary to, the use of a public house. The proposed development also seeks to change the use of the upper floors of the building to, in effect, restore the previous residential uses of the building. The site falls within the Holland on Sea district centre, which has

access to, and is in close proximity with, a mixed commercial and residential area, bus routes and a public car park.

- 6.3 In principle, the provision of new residential development through new build and conversion is acceptable in this location and would comprise a suitably sustainable form of development, in accordance with the Council's planning policies and strategies. Furthermore, the application site is not designated or otherwise allocated in the Local Plan, and therefore the site is not 'set aside' for other uses or development.

*Loss of Premises in Employment Use – Policy ER3*

- 6.4 The pre-application advice received from the Council's officer advised that Policy ER3 of the Local Plan was a policy issue that needed to be addressed through this application submission.
- 6.5 The starting position to addressing this issue is to understand the physical and functional relationship between the function room within the extension and the public house. The function room within the single storey rear extension, to be demolished, and the function room on the first floor of the premises have not operated since some time before March 2020 which was at the time of the on-set of COVID restrictions.
- 6.6 The popularity and use of the function room had been in steady decline for a number of years and had been used mainly, but occasionally, for funeral receptions. The public house had operated its Sunday lunches from the function room, but demand for this declined over the years to the extent that the Sunday lunches were and are now (post lockdown) taken in the main pub area.
- 6.7 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.

- 6.8 The employees of the pub work shifts; when the function room has been required, existing staff members have worked the 'extra shift' when needed. The function room (and upstairs function room) does not have its own staff, it does not have its own accounts and it does not have its own utilities. The two function rooms do not operate at the same time. The function room does not make profit in its own right. Any profit is made through the use of the bar. The function room's on going costs are absorbed by the operation of the pub as a whole.
- 6.9 The loss of the function room would not result in the loss of staff. Staff have never been employed to work just the function rooms. The same staff numbers will not change as a result of the current proposal and existing staff will continue to work shifts.
- 6.10 The ancillary function room use is not an 'employment' or 'employment generating' use in its own right.
- 6.11 The proposal does not result in the loss of employment floorspace and would not result in the loss of employees.
- 6.12 In terms of a re-use by an employment generating operator, the function rooms could not be offered out to other employment generating uses, as they are inextricably linked to the host building and the internal link would have to be closed off.
- 6.13 The building would be difficult to re-use by 'employment generating' uses for the following reasons:

1.The building is in close proximity to residential properties, and this would limit the potentially noisier operations of a new use. The function room would also be close to the pub, so some quieter uses would also be potentially restricted.

2.The building does not have a frontage onto the highway or separate pedestrian access.

3.There are parking and access constraints, and the building would not have its own parking and delivery areas.

4.The existing condition of the building is poor and infrastructural changes would be necessary requiring significant investment, such as:

- i) the function room to the rear would require an independent and a remodelled access. The access from the pub would need to be blocked up.
- ii) The access through the only door at the side of the building is not DDA compliant (it does not provide threshold access to the building)
- iii) The function room does not benefit from adequate natural daylighting or ventilation. There are six high level and non-opening windows in the east elevation of the room which is along the boundary of the site (so they cannot be opened, and views cannot be provided out of them).
- iv) The only disabled toilet serving the pub is located off the function room, with ramped access from the main pub area to the toilet via the function room. Should the function room be physically separated, this would require a disabled toilet being provided in the pub area.
- v) New wiring, lighting and broadband would be necessary.
- vi) The building would require new and separate utilities and services.

6.14 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.

6.15 In the Background Documents to the current Publication Draft Local Plan, the Council's Employment Land Review 2016 does not identify the site as an existing employment site, and does not identify this type of use as employment generating or an employment type use.

6.16 As such, the function room(s) do not meet the Local Plan's definition of being an employment generating use that is necessary to protect. Its loss would not result in the loss of an employment floor space – as it is an ancillary use. The proposal would not result in the loss of existing staff numbers – as these are employed by the pub to work shifts.

6.17 In conclusion, the proposal is acceptable in principle and should be supported.

ii) Impact upon character and appearance

6.18 The existing building on the site is un-prepossessing in its design and appearance and fails to make a positive contribution to the character and appearance of the area.

6.19 The proposed terraced block has been through a series of design iterations, as explained in the Design and Access Statement, taking into account its built context and location.

6.20 The existing function room building occupies the depth of the site. Development in depth already occurs both on the site and with the Co-Op building on the other side of the shared access. Within the immediate area there are a number of developments that are either stand-alone set back from the highway or have been extended deep into their sites. One such example is the motor company building to

the east, which has developed in depth and its building has an industrial appearance that is visible from the application site.

- 6.21 As such, development in depth, set back from the highway, already contributes to the general pattern of development in the area.
- 6.22 The design of the proposed terraced building has a flat roof with parapet, to match the existing roof treatment of other nearby buildings. The building's elevations have vertical, glazed fenestration and quite simple and clean vertical and horizontal lines in their design and use of materials. This design approach would help assimilate the building with its mixed residential and commercial built context.
- 6.23 The scale of the single storey rear extension to be demolished is quite large –more akin to a 1.5 storey high building. Its replacement has a two storey scale. The submitted drawing shows the lowering of the scale of development from the three storey pub building to the south, through the proposed scheme and towards the single storey development along Colchester Road to the north. The scale of development therefore transitions quite comfortably from three, to two, to single storey development.
- 6.24 In comparison with the wider area, the proposed houses also have a lower scale than the mixed commercial/residential development and industrial buildings to the west, as previously mentioned. It is slightly higher than the Co-Op building opposite.
- 6.25 The proposed building would therefore not appear untoward in its context and its design, form, appearance and use of materials would be sympathetic with the prevailing built context of the immediate area.

iii) Impact upon residential amenity

- 6.26 The houses have front gardens and rear gardens to provide amenity and servicing space. Each house has a floor space of 80 sq m. Unit 5 has an amenity area of 75 sq m, Unit 6 has an amenity area of 77 sq m and Unit 7 has an amenity area of 91 sq m.
- 6.27 Each proposed flat has its own balconied area and their occupiers will share a communal amenity area on the flat roof of the retained part of the extension to the pub building. Each flat has a minimal of 5 sq m of balcony space.
- 6.28 The proposed stacking of the units enables the same rooms on the first floor to match the rooms on the second floor.
- 6.29 Each new dwelling will have more than the Council's standards for amenity space and will have private, amenity areas. Each habitable room has its own window for outlook, light and ventilation. As such, the future occupiers of the dwellings will have good standards of amenity and acceptable levels of accommodation.
- 6.30 The end house is more than 21m from the nearest dwelling in Colchester Road and as such it will not have an over-bearing or other material impact upon living conditions of its occupiers.
- 6.31 The proposed balconies to the houses have obscure glazed, side screens to prevent overlooking. The window in the end elevation facing toward Colchester Road would be obscure glazed.
- 6.32 The roof terrace serving the flats is designed with fencing and low level planting so as to avoid the potential for overlooking into the gardens of the proposed houses and the areas behind the flats in the commercial building immediately to the east (59-61 Frinton Road).



6.33 It is concluded that the proposed development would safeguard the living conditions of the occupiers of adjacent properties and would provide more than adequate levels of residential amenity for the future occupiers of the proposed dwellings.

iv) Impact upon highway safety

6.34 The parking provision and other 'highway' related infrastructure is being provided in the scheme following correspondence with the County's Strategic Development Engineer. The standards and requirements have been discussed in recognition of the relatively sustainable location of the site and the existing highway impacts and implications arising from the existing uses of the land.

6.35 Each dwelling has its own parking space with a dimension of 2.5m x 6m. These are tandem spaces, and one side will have doors opening out onto the private/shared drive/access (i.e. no hard barrier is on one side). The other doors could open out onto a softer boundary edge to the gardens of the houses. There is a 'Type 5' turning area provided on the site to enable cars/light vehicles to enter the site and leave the site in a forward gear. A motorcycle space is provided at the front of the site, and a parking space is retained for the manager of the public house. Cycle spaces are provided in front of the houses and within the lobby area serving the access to the flats.

6.36 For the houses, owners will take the bins to the front of the site on collection day, in a dedicated collection area (that is not on the private access). There is a space marked out for this area on the submitted drawing. The pub and flats will have their bins on the private forecourt.

6.37 Five of the eight staff that are employed either walk to work or come by bus. These staff are being retained. Public car parking is also available on the corner of Ipswich Avenue.

- 6.38 Collection and deliveries for the pub will continue to take place from the highway. A collection area is provided within the site for the flats and the dwellings as they are beyond normal carry distance.
- 6.39 In recognition of the location of the application site, what is proposed and what uses are proposed to be replaced, the application scheme is considered acceptable and would not lead to material demand for on street parking or otherwise lead to a materially worsening impact upon highway safety.

v) Other Issues

- 6.40 A noise survey and assessment is submitted with this application. It demonstrates that the proposed change of use to flats and the location of the houses beyond the kitchen area of the pub would not experience unacceptable levels of noise or transference or transmission of noise and vibrations.
- 6.41 The applicant recognises that a financial contribution, through a Unilateral Undertaking, would be necessary as part of the application to help contribute towards the Recreational Disturbance, Avoidance and Mitigation and the impact upon the Hamford Water SPA.

## **7. Conclusion**

- 7.1 The proposed scheme has been amended following advice from the District and County Councils' officers.
- 7.2 The proposal seeks to make a more efficient use of the land and to help boost the supply of new housing in the area. The application site is in a suitably sustainable location and the principle of the development should be supported.
- 7.3 The submission addresses the Council's policy objective to protect existing employment uses. The existing employment use of the site does not fall within the

employment/business use category (Class B or E), but the pub use could be considered to be 'employment' generating. However, the function room(s) to be lost is an ancillary component to the main pub use and not an employment generating use in its own right. The pub use is not being lost. Furthermore, the function room does not have any employees assigned to it. The existing 8 members of staff work shifts, and when necessary, one of the shifts will cover the bar area in the function room.

- 7.4 Notwithstanding, this submission also demonstrates the reasons that would prevent and significantly hinder future use of the function room as an office or other employment generating use, if it were to be physically and functionally separated from the pub.
- 7.5 The proposed houses are well designed and would make a positive contribution to the overall character and appearance of the area. All seven dwellings have more than adequate levels of amenity space and car parking provision – which would comply with the Councils' objectives for development within this area.
- 7.6 The proposed development would not have any worsening impact upon the living conditions of those occupiers of surrounding residential properties. Rather, with the removal of the beer garden/smoking use and the function room, the residents living in Colchester Road and those above 59-61 Frinton Road would experience less noise and general disturbance as a result.
- 7.7 The proposal meets the policy objectives behind the existing and emerging Development Plan and the requirements of the NPPF.