

PLANNING APPLICATION SUBMITTED ON BEHALF OF MR & MRS CARL SEEKING PLANNING PERMISSION
FOR A CHANGE OF USE FROM A BED & BREAKFAST TO A SINGLE RESIDENTIAL DWELLING AT 22 PENFOLD
ROAD, CLACTON ON SEA , ESSEX CO15 1JN

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SUPPORTING STATEMENT

Our Reference: 21-6703

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1.0 SITE AND SURROUNDING AREA ASSESSMENT

- 1.1 The application site comprises a three storey semi-detached property located on Penfold Road, Clacton on Sea. The dwelling has a small yard to the rear and a parking area comprising three spaces at the front.
- 1.2 The property has three floors of accommodation. On the ground floor the property has two reception rooms a kitchen and a store/utility room. On the first floor there are three bedrooms and two kitchen areas and on the second floor there are four further bedrooms. There are also toilet/shower rooms on each floor.
- 1.3 The property is situated towards the northern part of Penfold Road, close to the junction with Jackson Road. The property is located approximately 200 metres from Marine Parade which runs adjacent to the shoreline.



Figure 1 photograph of the front of the house

2.0 THE PROPOSAL

- 2.1 The proposal is for a change of use of the property from a bed and breakfast to a single residential dwelling. No alterations are proposed to the building, the proposal is purely for a change of use.
- 2.2 The application seeks retrospective permission for the use of the property as a dwelling. On the ground floor the building has a kitchen, dining room, lounge, utility/store room and a toilet/shower room. A plan of the ground floor is shown below.

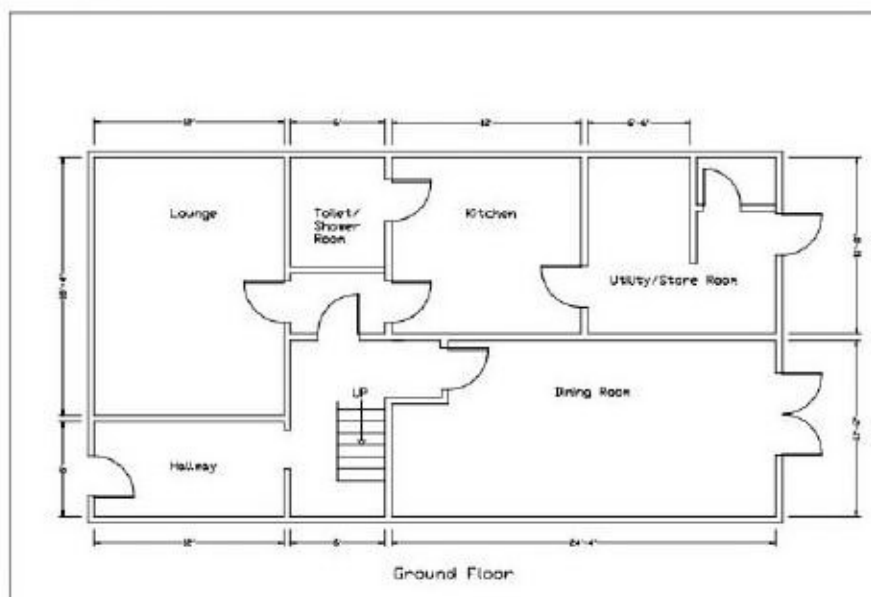
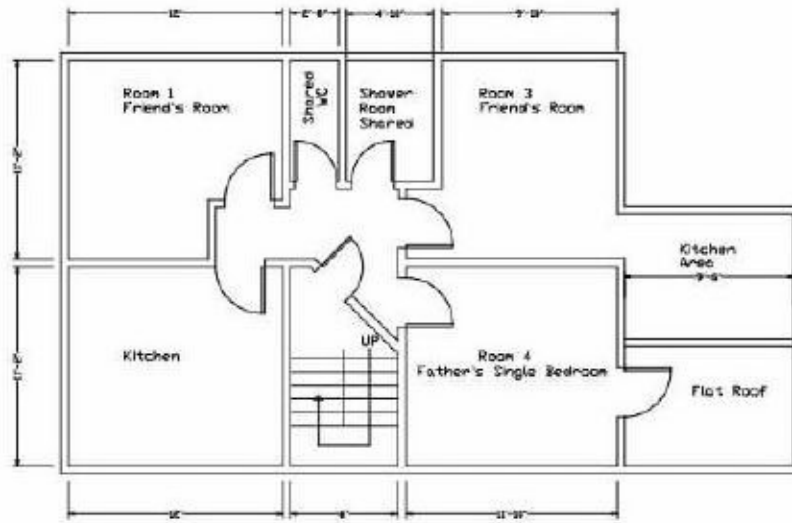


Figure 2 Ground floor plan

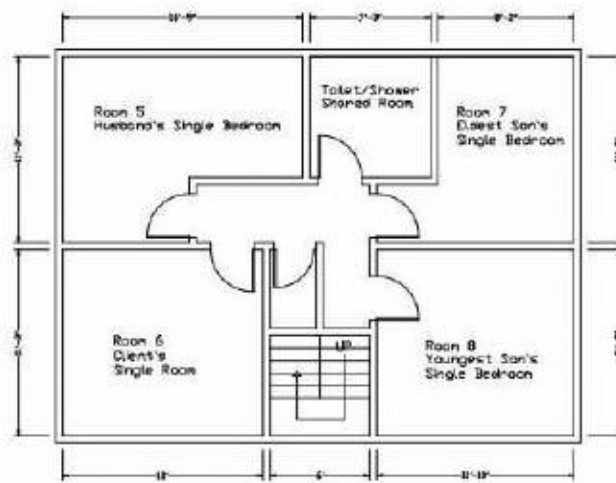
- 2.3 On the first floor of the property there is a roomed living room, which is



1st Floor

Figure 3 First floor plan

2.4



2nd Floor

Figure 4 Second floor plan

3.0 PLANNING HISTORY

- 3.1 Planning permission was refused 13th June 2019 [reference 19/00608/FUL] for a change of use from a bed & breakfast to a single residential dwelling. The application was refused on the following grounds:

The government states in the National Planning Policy Framework that it is committed to securing economic growth in order to create jobs and prosperity and is committed to ensuring that the planning system does everything it can to support sustainable growth.

Saved Policy ER24 of the adopted Tendring District Local Plan 2007 states proposals for the change of use of existing hotels and guest homes in the centres of coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable. The pre-ambles refers to the steady decline in serviced tourist accommodation and recognises the need to retain and upgrade the existing stock of hotels and guest houses particularly within the core resort areas of the main resorts. The sentiments of this are carried forward within Emerging policy PP9 where it states that within defined centres and along the seafront within the districts coastal towns, the Council will refuse proposals for the change of use or redevelopment of existing hotels and guest houses to alternative uses, either in part or in whole.

Saved Policy ER3 states that change of use for non employment purposes will only be permitted if the applicant or owner can demonstrate that it is no longer viable or suitable for any form of employment use either through evidence of a sustained but ultimately unsuccessful marketing exercise or by showing that the premises is inherently unsuitable and/or not viable for any form of employment use.

The supporting information states that the change of use is sought due to ill health and personal circumstances. However no evidence has been provided to show that the premises is no longer viable, failing to meet the requirements of the

aforementioned policies. The development would result in the loss of a hotel in the centre of the districts main coastal resort of Clacton on Sea. This proposal is therefore contrary to saved Policies ER24 and ER3 of the Tendring District Local Plan 2007 to the detriment of the tourist economy and undermining the tourism function of the resort.

- 3.2 An additional planning application (reference 19/00984/FUL) was submitted for the same proposal with marketing information provided. However, the Council refused the application on similar grounds with the additional grounds for refusal.

Limited information has been provided in an attempt to demonstrate that the premises is no longer viable for the existing guest house use. However, no evidence of a sustained but ultimately unsuccessful marketing exercise for its current use or any form of employment use has been provided failing to meet the requirements of the aforementioned policies

4.0 DEVELOPMENT PLAN POLICIES

National Planning Policy Framework

- 4.1 Paragraph 86 of the Framework states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 4.2 Paragraph 82 of the Framework states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Local Policy

- 4.3 The Council's Development Plan comprises the Tendring District Local Plan which was adopted in 2007. This local plan is well before the publication of the Planning Framework. Paragraph 11d) of the Planning Framework states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council have also stated in the officer's

report for the previous refusal that they have a shortfall in the five-year supply. Although the proposal would create only one additional dwelling, the combination of the shortfall in housing and the out-of-date policies means that Criterion ii) is of relevance and it is considered the tilted balance is engaged.

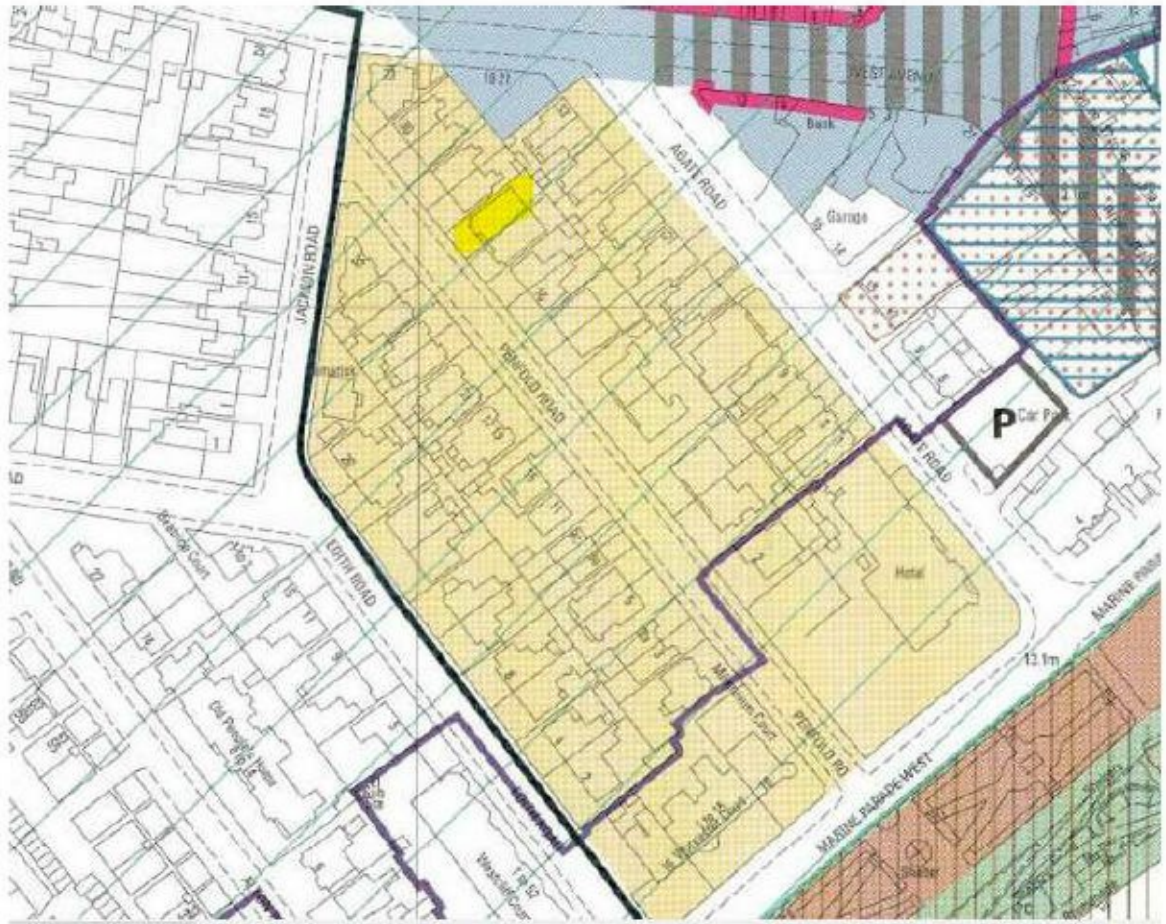
- .4.4 The Council has referred to two policies in their reason for refusal, Policies ER3 and ER24. Policy ER3 of the Local Plan refers to the Protection of Employment Land. The policy states a) the Council will ensure that land in, or allocated in this Plan for employment use will normally be retained for that purpose. Its redevelopment or change of use for non-employment purposes will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use.

The applicant should either:

- i. submit evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price; or
- ii. show that the land [site, or premises] is inherently unsuitable and/or not viable for any form of employment use.

- 4.5 Policy ER24 of the Local Plan refers to the Protection of Hotels and Guest Houses. The policy states that proposals for the change of use of existing hotels and guest houses in the centres of the coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable.

- 4.6 The area identified within Clacton under Policy ER24 comprises three areas, one of which is located the application site. The plan shows the area contained within Policy ER24 and the site highlighted.



Plan showing the area contained within Policy ER24 and the site highlighted.

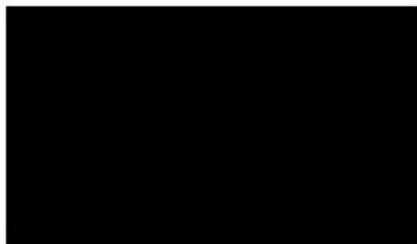
5.0 MATERIAL CONSIDERATIONS

Introduction

- 5.1 The application site lies within the Protected Hotels and Guesthouses designation as defined in the Tendring Local Plan 2007. Policies ER3 and ER24 resists the change of use from an employment use to a non employment use (ie residential) unless the applicant submits a) evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price; or b) show that the land (site, or premises) is inherently unsuitable and/or not viable for any form of employment use.
- 5.2 The applicant did initially run the property as a bed and breakfast and the Council sent potential occupiers who were homeless to her property. The business worked well for the first year and then the flow of clients stopped. The applicant is the only person involved and does not employ anyone else. Her husband is a London taxi driver and they live on his income. The change of use to a dwelling therefore would not result in the loss of employment as the applicant does not employ anyone and never has done.

Financial Situation

- 5.3 The applicant considers the premises is inherently unsuitable as a bed and breakfast business and is not viable going forward. The applicant has submitted accounts from 2014 to 2017 and which form [Appendix A](#). The accounts show the following profits:



- 5.4 As the profits show they are extremely low and do not provide a sufficient amount for the applicant to make a decent living. The income from her



off, the B & B business when it was running was not providing enough sufficient income for the business to be viable. Given the lack of profit from the premises in the last few years the applicant has not operated the premises as a B & B for the last five years since 2017.

Limitations of the B & B business

5.5 The premises are quite limited as a B & B, in that the property needs extensive renovation to improve it, however the applicant cannot afford costly renovations given the lack of profits in the past. The premises has no WIFI, which is not be attractive to visitors, it is not licensed and there is no bar. Furthermore, there is no evening meal available which other business do provide. Overall, it is considered the property being used as a B & B for the future is considered unsuitable.

Local Competition

5.6 The applicant considers the adopted plan is out of date in protecting these more traditional premises as B & B which have outgrown their useful life. More modern hotels have moved into the area and they are attracting the business. The new Premier Inn and the Travelodge provide modern accommodation and the facilities visitors require.

5.7 The Premier Inn is located a few yards from the application site at the junction of Penfold Road and Marine Parade West, it opened in 2015. The hotel overlooks the sea and has modern facilities, also in the month of October a room can be secured for as little as £35.

5.8 The Travelodge is located just to the north of the site on Jackson Road and again has modern facilities and a room in October can be booked for as little as £30. The hotel opened in 2009 and offers discounted temporary accommodation which resulted in a significant loss of trade from the applicant's business.

5.9 The Royal Hotel on Marine Parade East has recently been renovated. It commands a sea view, with modern facilities and has taken a lot of trade from existing B & B businesses in the area.

Personal Circumstances

5.10

5.11



6.0 CONCLUSION

- 6.1 The proposal is for a change of use of the B & B business to a single residential dwelling.
- 6.2 Policies ER3 and ER24 resist the loss of an employment use to a non employment use, however the applicant does not employ anyone and has not run the B & B business for the last five years.
- 6.3 The policy requires a) evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price; or b) show that the land [site, or premises] is inherently unsuitable and/or not viable for any form of employment use. The applicant has tried to sell the business in the past but the potential sale process has been ceased. The applicant considers the existing building is unsuitable and is not viable for employment use.
- 6.4 The applicant has provided accounts from 2014-2017 which shows a minimal profit from which it is not viable to run a business and provide a sustainable income.
- 6.5 The building needs significant upgrading which requires investment into the property which the applicant cannot afford.
- 6.6 The area has been subject to significant competition and large hotel chains have provided modern accommodation at cheap rates which has had a significant detrimental impact on the more established B & B businesses.

6.7

- 6.8 For the above reasons it is considered that it has been demonstrated that the business is not viable and unsuitable within the building and accords with Policies ER3 and ER24.
- 6.9 As set out in Paragraph 11 of the Framework it is not considered that the adverse impacts of losing this property as a B & B would significantly and demonstrably outweigh the benefits of allowing the property to be a residential dwelling.
- 6.10 Accordingly the Council is respectfully requested to approve the planning application.