

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	11/07/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	EN SB	19/7/18 19/07/18

**Application:** 18/00859/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Kogbe - Kay & Kam Property Investments Ltd

**Address:** 135 Wellesley Road Clacton On Sea Essex

**Development:** Proposed change of use from a single residential dwelling (C3) to a house of multiple occupation (C4) for 6 occupants.

### **1. Town / Parish Council**

Clacton – Non Parished.

### **2. Consultation Responses**

**Waste Management** Bin store area to be of adequate size to accommodate required number of bulk bins for both residual waste and recycling waste with access to roadside based on level hard standing ground.

**Building Control and Access Officer** A building regulation application will be required for these works.

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

1. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the first occupation of any of the proposed development the bus stop northbound and outside the proposed development site on Wellesley Road shall be improved by the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development



in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the occupation of the proposed development, the applicant shall provide a refuse/ recycling / bin store adjacent to the highway and within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The proposal fails to meet the requirements of the current Parking Standards.

Informative2: The proposed off street parking area is only sufficient to accommodate 2 cars; the third as shown is unable to turn whilst the remaining spaces are occupied.

Informative3: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

N/A

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses



TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP3 Housing Density and Standards

LP11 HMO and Bedsits

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Houses in Multiple Occupation (HMO) Essex Approved Code of Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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 worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development



is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

## **5. Officer Appraisal**

### Site Description

The application site is 135 Wellesley Road, Clacton-on-Sea, which is a semi-detached two storey residential dwelling. The surrounding area is highly urbanised, with numerous residential dwellings to all sides and occasional commercial properties. Further to the south-east is the Clacton-on-Sea train station and town centre. The site falls within the Clacton-on-Sea Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### Description of Proposal

This application seeks planning permission for the change of use of the property into a 6 bedroom house in multiple occupation (HMO). The accommodation is split as follows;

- 2 bedrooms, kitchen and dining area at ground floor;
- 3 bedrooms at first floor; and
- 1 bedroom at second floor.

Access to the rear garden area for all rooms can be achieved via the side passage.

The use of a building by six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation) and such a change of use from a single dwelling would not normally require planning permission. However, the Council has adopted a district wide Article 4 Direction which restricts residential dwellings being converted from residential to a house in multiple of occupation without first obtaining planning permission. The Article 4 Direction does not mean that HMOs are unacceptable in principle. They fall to be considered on their merits against the relevant planning policies.

Furthermore, the plans highlight a proposed rear dormer. However, the agent for the application has confirmed that this will be built prior to the change of use, and will therefore meet the criteria as highlighted within Class B of the General Permitted Development Order 2015.

### Assessment

#### 1. Principle of Development

The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the council should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. As such local planning authorities should encourage the development of mixed and balanced communities: they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics.

Given the current shortage of affordable homes in the district, houses in multiple occupation play a key role in providing short term accommodation for sections of society, which the NPPF is supportive of.



Policy HG10 of the Adopted Local Plan 2007 states that proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted provided:-

(i) the existing building, if a dwelling, has a gross floor area, as originally constructed of 110 sqm or more.

The accommodation provided totals over 190sqm in size. Furthermore, the sizes of the bedrooms range from 9.81sqm to 21.84sqm, which is relatively large for a HMO. As such this criterion is met.

(ii) it does not involve the sub-division of one or more family dwelling houses within a frontage of entirely single family housing.

This section of Wellesley Road does not contain solely single family dwellings. The road contains a number of existing HMOs, retail outlets and a social club. Furthermore, several of the properties have been converted into flats. Consequently, the conversion of the property to a HMO would not be out of character in this location on the edge of Clacton Town Centre.

(iii) it does not involve the total or partial conversion to bedsitting rooms and an intensity of use likely to harm the character or appearance of the dwelling or the locality or the amenities of adjoining residents or occupiers of the building.

A bedsit is defined as a room used for sleeping where some of the basic facilities for food preparation and hygiene are provided within the room, whereas a bedroom in the HMO sense is a room within a building used for sleeping which does not contain any of the basic facilities. The facilities are provided in a separate room and are shared with other occupiers or provided in separate room exclusively for the occupant. In this instance, the layout shows that the basic facilities are provided on a communal basis and therefore the rooms cannot be defined as bedsits. In respect of the amenity level of the rooms provided each room is served by a window providing a good level of light. In terms of size, the rooms are in excess of the minimum bedroom size of 8.5sqm outlined in the Essex County Council Code of Practice for HMOs (2012).

(iv) the external appearance as a dwelling house would be maintained and any proposed extension works would not materially harm the character or appearance of the building or locality or the amenity of residents.

The only external changes proposed are a second floor rear dormer, which will be built prior to the commencement of this development under Permitted Development rights, a bike storage area and a refuse/recycling bin storage area. Due to the limited nature of external changes, the impact of the proposals upon the character and appearance of the locality would be minimal.

In terms of local resident's amenity, due to the fact the proposal would not be significantly different to a standard house to house relationship, given that only 6 residents would reside in the building, the impact upon local residents in respect noise/disturbance would be minimal. The proposed rear dormer will result in two additional rear windows, with one serving a bedroom and one an en-suite; however given that the agent has confirmed it will be built under Permitted Development rights, the potential additional overlooking it may cause is not able to be considered as part of this application.

(v) highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access.

As stated above, there are limited external changes proposed to the building or its frontage. The grassed/planted frontage would remain as existing, whilst parking for two vehicles is to be sited to the rear of the property on an existing area of hardstanding.

With regard to car parking, the submitted plans show provision for two parking spaces measuring 5.5m x 2.8m. Adopted Car Parking Standards state that for a dwelling with two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m. Whilst the parking spaces just fall short of these measurements, the Standards also refer to a minimum size



space of 5m x 2.5m to be used in exceptional circumstances, whilst the site itself is located within a highly sustainable location in good walking distance to key amenities including bus stops, train station, the town centre and beach. Therefore, the desire for parking is reduced and on balance, the provision proposed is acceptable.

Further, provision is made for six bicycles within a bicycle storage area adjacent to the main building. Essex Highways Authority have also raised no objections to the scheme subject to conditions relating to details of the provision for bicycle storage, improvements to the bus stop along Wellesley Road and the provision of a refuse/recycling bin store. The submitted plans show provision for a bicycle storage area and a refuse/recycling storage area. Conditions will be included to ensure they are provided and retained.

(vi) there is an appropriate private rear amenity area in accordance with saved policy HG9.

Saved Policy HG9 requires 25 square metres of communal amenity space per flat for the provision of clothes drying facilities, refuse bins and sitting out areas, but does not stipulate a total in respect of HMOs. Whilst the submitted plans suggest there is 145sqm of private amenity space, this includes areas to the front of the dwelling which are not considered to be private. Therefore the level of private amenity space is approximately 75sqm. Given that the threshold for a dwelling of 3 bedrooms and more is 100sqm, the total provided in this instance does fall short; however would still provide residents with sufficient space for drying clothes and recreation. Further to this, the site is located within a highly sustainable location with good walking access to a number of amenable areas including the beach, and therefore on balance the slight loss of amenity area is not considered so significantly harmful to warrant a reason for refusal.

(vii) the layout minimises possible noise disturbance to adjoining residents.

Given that the rooms provided are spacious and well lit, it is considered that proposed residents would occupy the premises in a way which would not impinge upon local resident's amenity. Further, the layout has been designed so that the majority of the occupied rooms are sited to the northern section of the dwelling, which due to the semi-detached nature of the property means a reduced impact to the adjoining neighbour.

#### Other Considerations

Clacton-on-Sea is non parished so no comments are required.

There have been three letters of objection received, with the following concerns:

1. Impacts to existing parking problem in the area;
2. A site notice has not been displayed; and
3. The rear dormer will result in a loss of privacy.

In answer to this, points 1 and 3 are addressed within the main body of the report above, whilst in relation to point 2 the site notice was displayed 19 June 2018.

#### **6. Recommendation**

Approval - Full

#### **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 075\_PA\_P001 Rev A and 075\_PA\_P002 Rev A.



Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the first occupation of any of the proposed development the bus stop northbound and outside the proposed development site on Wellesley Road shall be improved by the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 4 Bicycle storage and bin/recycling storage, as shown on drawing numbers 075\_PA\_P001 Revision A and 075\_PA\_P002 revision A, shall be provided prior to occupation and retained for that sole purpose thereafter.

Reason: To limit and reduce the impacts to the highway network.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.