

Waste Management	Secure bin store will be required to house both bulk bins for residual waste and bulk bins for recycling.
Environmental Protection	Environmental protection has no adverse comment to make on this application.

3. Planning History

92/00855/FUL	(Dunoon Lodge, 51 Church Road, Clacton-on-Sea) Proposed extension to existing Residential Home for the elderly to include Nursing Home Use (Class C2)	Refused	13.10.1992
94/00196/FUL	(Land adjacent to 51 Church Road, Clacton on Sea) Erection of a 3 bed detached dwelling, removal of bay window to No. 51 and variation to parking area for No.51	Refused	26.04.1994
91/00205/FUL	Two storey extension to enlarge existing bedrooms.	Approved	09.04.1991
14/01108/FUL	Alterations to detached office.	Approved	03.10.2014
18/00521/FUL	Change from 10 bedroom residential care home to a HMO (10 individual rooms).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

ER3 Protection of Employment Land

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP11 HMO and Bedsits

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 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. They raise 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 48 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan

on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Church Road within the settlement of Clacton-on-Sea. The site accommodates a detached cream rendered building which previously accommodated a care home use (10 bedrooms). The property has been extended to the rear by virtue of a two-storey flat roof extension. The northern side of the road is predominantly residential in character but directly opposite the site is a large convent of recent construction.

The property is served by a large rear garden enclosed by 1.8m close boarded fencing and areas of brick wall. On the western side of the property is a small detached outbuilding and driveway parking for a maximum of 2 vehicles.

Proposal

This application proposes the change of use of the property from a care home into a 10 bedroom house in multiple occupation. The accommodation is split as follows;

- 4 bedrooms at ground floor, lounge, bathroom and kitchen;
- 5 bedrooms and a communal kitchen/washing area at first floor; and
- 1 bedroom within the roof space at second floor level.

Appraisal

Principle/Loss of Employment Use

Saved policy ER3 of the adopted Tendring District Local Plan (2007) applies to all land in employment use. Redevelopment away from such a use should meet one of two criteria. Criterion (ii) is not met, as the building is not inherently unsuitable for any form of employment use. Criterion (i) states that the applicant should submit evidence of a sustained but ultimately unsuccessful marketing exercise.

The proposal for privately let rooms on this employment site would therefore be in conflict with the saved policy ER3 as no new permanent employment opportunities would be created. Furthermore, no evidence has been submitted with the application to demonstrate that other forms of employment use have been fully explored or a proper and sustained marketing campaign has been carried out, at the current market value, for either continued or alternative employment purposes.

Conversion to HMO

The most relevant planning policy to this proposal is saved policy HG10 of the Tendring District Local Plan (2007) which concerns the conversion of buildings into flats/bedsits. This is a criteria based policy and below the merits of each criterion is assessed.

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

The current building has a floor area comfortably in excess of 110sqm.

(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 Church Road is characterised by predominantly residential properties. However on the opposite side of the road is a large convent building. It must also be noted that the current use

of the building is not residential. Consequently, the conversion of the property to a HMO would not be out of character in this location or to its detriment.

(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 HMO's (2012). The good quality of the rooms provided is reflected in the comments of the Council's Housing/HMO Team Department who confirm that the conversion work was completed to a very high standard, easily complying with the Council's HMO regulations and the Housing Act 2004.

(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.

Due to no external changes taking place to the building, 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 detached nature of the building and the fact the proposal would not be significantly different to the current care home use, the impact upon local residents in respect noise/disturbance would be minimal. In this respect, the Council's Environmental Health Department have no objections.

(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, no external changes are proposed to the building or its frontage.

With regard to car parking, the site can provide parking for 2 vehicles to its frontage. In view of the proposal being for 10 rooms, Essex County Council Highways have objected to the development due to perceived a shortfall in parking provision for the following reasons;

Whilst it is recognised the property at present would generate a certain level of traffic, conversion to residential flats is likely to increase the number of private vehicles associated with the site. According to current policy standards a house in multiple occupancy should provide 1 parking space per bedroom.

Due to the lack of in-site parking this will lead to additional parking in the highway and conflict with existing residential traffic. This may lead to an increased risk of collisions in the highway.

Further, the site is approximately 1km from the railway station and services, and over 400m from bus stops and therefore lies outside the distance where a relaxation in parking standards may apply.

(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 HMO's. The rear amenity space in this case measures approximately 340sqm in size and is useable and private in nature. The total provided in this instance is considered to be acceptable and would provide residents with sufficient space for drying clothes and recreation.

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

Given that the building is detached in nature and 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 use of the building as a HMO would not be any more intensive as its current use as a care home.

Other Considerations

Environmental Protection has no adverse comment to make on this application. Building Control has confirmed the need for building regulations approval.

6 letters of objection have been received from local residents;

- increase pressure on parking and not sufficient off-street parking
- congestion within roads making them dangerous
- more rubbish attracting rats/seagulls
- not in keeping in this location and use of communal garden by residents would cause excessive noise
- existing building is an eyesore
- HMO would cause anti-social behaviour
- too many HMOs in Clacton at present.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Saved policy ER3 of the adopted Tendring District Local Plan (2007) applies to all land in employment use. This policy states that land in employment use or allocated for employment uses will normally be retained for that purpose. Its re-development will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. This would normally be via a pre-agreed 12 month marketing campaign. The preamble explains that the objective behind the policy is in recognition of the fact that employment sites are hard to find and such a policy is needed to assist with economic regeneration and the need to maintain a balance between location of jobs and homes.

The National Planning Policy Framework (2018) at paragraph 80 states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

Saved policy ER3 allows for some flexibility if the applicant can demonstrate that the land or building is no longer viable or suitable for employment use. In those instances evidence is required including a sustained but ultimately unsuccessful marketing campaign.

In this respect no specific details of the required marketing campaign have been submitted. Furthermore, whilst there may no longer be a demand for a care home use it does not follow that there is no demand for an alternative employment use for the property or that it is unsuitable.

Without specific evidence being available in relation to the above, or any other evidence, it cannot be said at this stage that there is no demand for an alternative employment use or that the building is unsuitable for such a use. Consequently, in the absence of such evidence, there is conflict with Policy ER3 of the Local Plan.

- 2 The proposed development fails to provide off street parking facilities with dimensions in accord with the current Parking Standards. Saved Policy HG10 of the Tendring District

Local Plan (2007) states that conversions of dwellings to flats/bedsit use will be permitted where highway safety is not adversely affected by arrangements for off-street parking. Emerging Policy LP11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) confirms that HMO's should be served by a minimum of 1 off-street car parking space per tenancy unit.

Furthermore, Saved Policy TR7 states that for all residential development the adopted car parking standards shall be applied. The standards state that for flats and dwellings a minimum of one parking space per unit should be provided. Saved Policy TR1a also states that proposals affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system.

In this instance, the proposal as submitted does not accord with current or emerging policy standards by reason of insufficient parking facilities. The provision of significantly fewer spaces than required would create additional parking in the highway, conflict with existing residents, and due to the increased braking and turning movements in the highway would increase the risk of collisions. Further, the site is approximately 1km from the railway station and services, and over 400m from bus stops and therefore lies outside the distance where a relaxation in parking standards may apply.

The proposal is therefore contrary to the interests of highway safety, and contrary to Saved Policies TR1a, TR7 and HG10 of the Tendring District Local Plan (2007) and Emerging Policy LP11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>