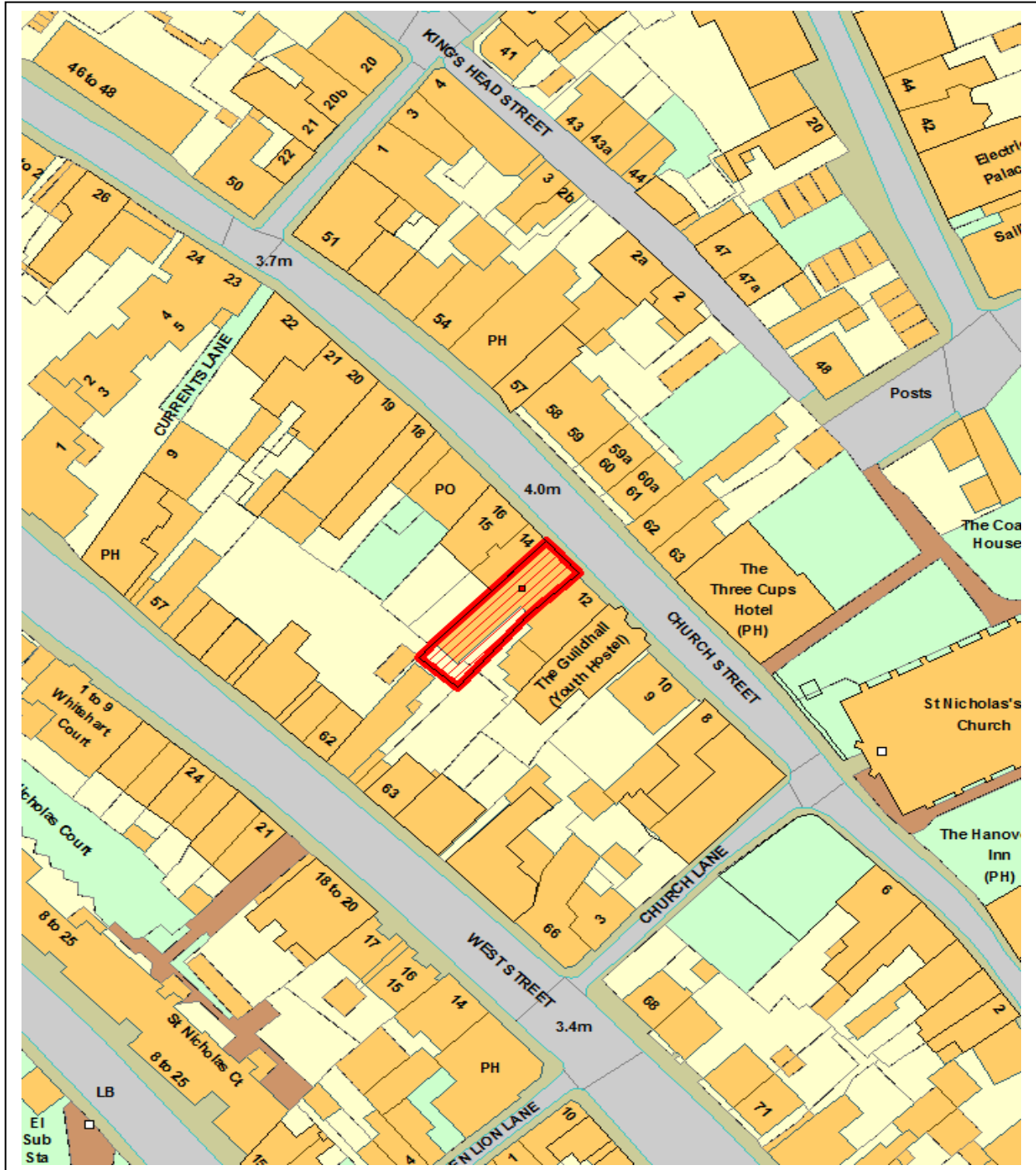


PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 18/00827/FUL - 13 CHURCH STREET, HARWICH, CO12 3DS.



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Application:	18/00827/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Elonge	
Address:	13 Church Street, Harwich, CO12 3DS	
Development:	Proposed change of use from C3 (Dwellinghouse) to C4 (House In Multiple Occupation).	

1 **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Councillor Ivan Henderson.
- 1.2 The application seeks planning permission to convert a 5 bedroom dwelling into a 6 bedroom house of multiple occupation (HMO) (internal alterations to create 1 additional bedroom). The property would be restricted to accommodating 6 adults only. 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 under the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). 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 in order to retain control over the conversion of buildings into HMOs. 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.
- 1.3 The property is 13 Church Street a terraced property within Harwich Town. The property lies in a very mixed commercial and residential area, in the heart of the Town Centre along Church Street in between Church Lane and Currents Lane.
- 1.4 The site lies within the defined Settlement Development Boundary and Conservation Area of Harwich and adjoins the Grade II Listed Building at number 14. The site also lies within Flood Zone 3 (high risk).
- 1.5 The National Planning Policy Framework 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. Saved Policy HG10 (Flats/Bedsits) of the adopted Tendring District Local Plan (2007) is the most relevant policy to assess the development against. This policy sets out a number of criteria against which the merits of the proposal can be assessed. The equivalent within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) is Policy LP11.
- 1.6 The site is considered to be located in a highly sustainable location in close proximity to local facilities and public transport links. Having regard to the criteria listed under saved Policy HG10 and emerging Policy LP11 it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and amenity space. The proposal is therefore in accordance with the development and is recommended for approval.

Recommendation: Approval

Conditions:

1. Time Limit – 3 years commencement
2. Occupation by adults only and no more than 6 residents at any time.
3. Provision of enclosed refuse bins prior to occupation
4. Details of covered and secure bike storage for 6 occupants
5. In accordance with approved plans
6. Obscure glazing to first floor, side facing window provided and retained
7. In accordance with Flood Evacuation Plan

2 Planning Policy

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
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
EN23	Development Within the Proximity of a Listed Building
EN17	Conservation Areas
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PPL1	Development and Flood Risk
LP1	Housing Supply
LP3	Housing Density and Standards
LP11	HMO and Bedsits
PLA8	Listed Buildings
PLA7	Conservation Areas
CP1	Sustainable Transport and Accessibility

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. 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 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.

3 Relevant Planning History

91/01217/FUL	Restaurant and Sandwich Takeaway Cafeteria.	Approved	11.12.1991
92/00084/FUL	Restaurant and sandwich takeaway cafeteria (resubmission of application No. TEN/91/1217 incorporating details of internal works)	Approved	31.03.1992
92/00085/FUL	Proposed change of use of basement to form restaurant	Approved	31.03.1992
93/00059/FUL	Extend opening hours until 11.00 p.m. (variation to Condition 3 of TEN/92/0084 and TEN/92/0085)	Approved	09.03.1993

01/01066/FUL	Change of use: existing:- restaurant with residential flat above; proposed:- two houses	Approved	22.08.2001
01/02114/FUL	Alteration to front elevation	Approved	15.02.2002
05/02029/FUL	Change of use of restaurant to residential	Approved	13.01.2006

4 Consultations

Licensing Section

This use to be a premises but the licence was surrendered in 2006.

No further comments.

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.

Informative1: The Highway Authority observes that this proposal is in a relatively sustainable location however it is also noted that the proposal fails to meet the requirements of the current Parking Standards.

Environmental Protection

Environmental Protection has no adverse comments to make on this application.

Waste Management

Proposed refuse area to be of sufficient size to accommodate bulk bins for both refuse and recycling provisions.

Route from the refuse area to the kerbside via the rear garden entrance/exit to be of level ground with no steps and constructed of hard standing to ensure free movement of the bulk bins.

Building Control and Access Officer

No adverse comments at this time.

Environment Agency

No comments considered necessary given the nature of the application.

5 Representations

- 5.1 Councillor Henderson raises concerns with rights of access to the rear, parking provision, fire escape and refuse store areas.

5.2 Harwich Town Council object on the following grounds:

- Use of rear access is only amenity area for 62a which will be shared by bicycles and wheelie bins
- Overdevelopment
- Inappropriate development
- Will set a precedent for conversion of other large properties
- Lack of parking
- Fire escape via small passage only
- Essex County Council Fire Officer should be consulted

5.3 21 letters of objection (including Harwich Town Residents Association and The Harwich Society) (some from same addressee) have been received. The concerns raised can be summarised as follows:

- Rear passageway not suitable for free movement of bins or refuse collection
- Rear passageway not suitable for free movement of bicycles
- Right of access through narrow passage will result in damage to the property and outside space
- Overdevelopment with potential for up to 12 adults living there
- Occupancy periods could be irregular
- Noise and disturbance from comings and goings at all hours
- Noise and disturbance from excessive number of occupants
- Exacerbate existing parking issues/lack of parking
- Harm to peaceful enjoyment of our home and quality of life
- Security issues
- Covenant over right of way
- Negative impact on the conservation area and historic building
- Negative impact on community events at the Guildhall/tourism
- Worry that the occupants will have drug or alcohol addiction problems or mental health issues
- Strain on drainage system from high level of occupants
- Overlooking and loss of privacy
- Lack of refuse/outdoor/amenity space
- Exacerbate vermin problem
- Loss of business use at ground floor
- Strain on already overstretched doctors and schools
- Will set a precedent for conversion of other large properties
- No fire evacuation/emergency exits

6 Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle/Policy Considerations;
- Impact on Heritage Assets; and
- Flood Risk.

Site Context

- 6.2 The application site is 13 Church Street within Harwich Town. The property lies on the western side of Church Street in a mixed commercial and residential area, within the Town Centre Boundary between Church Lane and Currents Lane.
- 6.3 The site lies within the defined Settlement Development Boundary and Conservation Area of Harwich and adjoins the Grade II Listed Building at number 14. The site also lies within Flood Zone 3.
- 6.4 The premises currently consists of; a basement; a large kitchen/dining room and living room at ground floor level; a second kitchen, bathroom and lounge area plus a store room and lobby area and 2 double bedrooms at first floor level; and 3 double bedrooms at second floor level.
- 6.5 The property is mainly of brick construction with a rendered façade with large glazed windows and 2 entrances at ground floor. To the rear of the site is a large parking court area to the rear of the properties fronting Church Street and West Street. The plans also show an existing rear garden access that leads to a shared underpass/passageway between numbers 63 and 62A West Street.
- 6.6 The application site is located in close proximity to a bus stop on West Street and Harwich Town Railway Station. The site is within easy walking distance of recreational areas and many amenities.

Proposal

- 6.7 This application proposes the change of use of the property into a 6 double bedroom house of multiple occupation. The proposed accommodation is split as follows:
- Basement:
 - Utility/Games room
 - Ground Floor:
 - Kitchen/Dining
 - Lounge Areas
 - First Floor:
 - Bedroom 1 with ensuite and area for fridge freezer
 - Bedroom 2 with area for fridge freezer
 - Bedroom 3 with ensuite and area for fridge freezer
 - Bedroom 4 with ensuite and area for fridge freezer
 - Bathroom
 - Lobby/Landing area
 - Second Floor:
 - Bedroom 5 with ensuite and area for fridge freezer
 - Bedroom 6 with area for fridge freezer
 - Bathroom
- 6.8 Access to the rear garden area for all rooms can be achieved via a gated side passage. Rooms 2 and 3 also have private access.
- 6.9 The rooms would be occupied by a single adult only resulting in maximum of 6 people residing within the building at any one time.
- 6.10 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.

Principle of Development/Policy Considerations

- 6.11 The National Planning Policy Framework 2018 (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.
- 6.12 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.
- 6.13 The most relevant planning policy to this proposal is saved policy HG10 of the adopted Tendring District Local Plan (2007) concerning the conversion of buildings into flats/bedsits. This is a criteria based policy and below the merits of each criterion is assessed.
- 6.14 (i) – the existing building, if a dwelling, has a gross floor area, as originally constructed of 110 sqm or more.
- 6.15 The accommodation provided totals over 200 sqm in size (still over 110 sqm if discounting the rear portion of the building which appears to be a later addition). Furthermore, the bedrooms are all of a good size ranging from 10.28 sqm to 25.50 sqm which is relatively large for a HMO. As such this criterion is met.
- 6.16 (ii) – it does not involve the sub-division of one or more family dwelling houses within a frontage of entirely single family housing.
- 6.17 Church Street does not contain solely single family dwellings. The road contains a number of existing retail outlets and commercial premises together with the Guildhall. The character of the area is also made up of purpose built flats or conversions. Consequently, the conversion of the property to a HMO would not be out of character in this location.
- 6.18 (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.
- 6.19 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.
- 6.20 In this instance, the layout shows that 4 of the 6 bedrooms are provided with their own bathroom facilities and all rooms are provided with areas for food storage. There are 2 further bathrooms serving the 2 further bedrooms. The communal lounge, dining and recreational areas are substantial in size. Therefore, some rooms could be defined as

bedsits and the communal areas provided are of a high standard. In respect of the amenity level of the rooms provided each room is served by at least one 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).

- 6.21 (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.
- 6.22 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, 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. In this respect, the Council's Environmental Health Department have no objections. A condition will be imposed to ensure that the first floor side facing window is obscure glazed in perpetuity to minimise any overlooking or loss of privacy from this communal hallway area at the top of the stairs.
- 6.23 (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.
- 6.24 As stated above, no external changes are proposed to the building or its frontage. The existing dwelling has no dedicated off street parking provision.
- 6.25 Essex County Council Highways have raised no objection on the basis that the site is located within a highly sustainable location subject to cycle storage being provided.
- 6.26 Given that occupiers of HMOs tend to have very low levels of car ownership and the fact that the site is in close to local shopping facilities and transport routes no parking provision is considered to be acceptable in this regard. It is felt that the location of the site; so close to the town centre and associated public transport links, offers the opportunity for occupation by householders without cars. This stance is consistent with appeal decisions relating to HMOs where inspectors have allowed car free development in areas close to local facilities. On-street parking is also available. Details of secure bicycle storage will also be sought via condition to promote the use of sustainable forms of transport.
- 6.27 (vi) – there is an appropriate private rear amenity area in accordance with saved policy HG9.
- 6.28 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. The rear amenity space in this instance measures approximately 50 sqm in size, is private in nature and provides bin and cycle storage. The property could be occupied as a dwelling currently and the area is very built up in character. The proposal provides ample communal living spaces and is located in close proximity to recreational areas. In this regard the garden size is considered sufficient to serve a 6 bedroom HMO.
- 6.29 (vii) – the layout minimises possible noise disturbance to adjoining residents.
- 6.30 The proposed layout is not significantly different to the existing with the first floor kitchen and lounge areas being converted into bedrooms. The layout therefore restricts the communal/socialising areas to the basement and ground floor minimising noise and disturbance to adjoining rooms at neighbouring properties. The proposal is for 6 adults only as restricted by condition again minimising any impact on neighbouring amenities.

- 6.31 The development is considered to meet the criteria set out in saved policy HG10. The 6 bedrooms and the communal kitchen space provided exceed the minimum standards set out in the Essex County Council HMO guidelines. In this instance, the property currently consists of a 5 bedroom dwelling that could be occupied by a family consisting of parents and their children amounting to 6 occupants or more. The proposal would result in a 6 bedroom HMO with each room occupied by a single person only amounting to 6 in total. The proposal is not a significant change and will not result in a harmful impact on the character of the area or a significantly detrimental impact on residential amenities.

Impact on Heritage Assets

- 6.32 The site is located within Harwich Conservation Area and adjoins the Grade II listed number 14 Church Street. The intended use is not significantly different to how the existing premises could be occupied. The proposal does not involve any external alterations to the building that would impact upon the character or appearance of the conservation area. The use itself is considered acceptable for the reasons set out above and will therefore preserve the character of the conservation area and the setting of the neighbouring listed building.

Flood Risk

- 6.33 The site is located within Flood Zone 3 (high risk). The proposal does not alter the nature of the use or increase the vulnerability classification. The number of occupiers is comparable to the existing use and there are no bedrooms being created within the basement or ground floor levels. Furthermore, the application is accompanied by a Flood Evacuation Plan which will be secured by condition.
- 6.34 The Environment Agency has no objection to the proposal which is therefore considered acceptable on flood risk grounds.

Background Papers

None.