

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/12/18
Planning Development Manager authorisation:	AN	17/12/18
Admin checks / despatch completed	AN	15/12/18 <i>[Signature]</i>

Application: 18/01780/OUT **Town / Parish:** Clacton Non Parished

Applicant: Nash and Sharpe

Address: 10 Edith Road Clacton On Sea Essex

Development: Change of use from guest house to six bedsits and two one-bedroomed flats.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

Building Control and Access Officer Insufficient information to comment on.

ECC Highways Dept As this is an existing dwelling with a driveway the use of the vehicular access is established. However to make the vehicular access will require improvements to make it suitable to serve the proposed residential development. The Essex Design Guide was refreshed and re-issued in February 2018 and the recommended and the access improvements are conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.
2. Prior to occupation of the dwelling the vehicular access shall be retained at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall retain an appropriate dropped kerb vehicular crossing of the footway.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.
3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.
5. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.9 metres x 5.5 metres.
Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.
6. Details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation of the proposed dwelling hereby permitted site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.
8. Prior to first occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.
9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Waste Management

Insufficient information for comment at this stage.

UU Open Spaces

Response from Public Experience

Open Space & Play

Application Details

Application No: 18/01780/OUT

Site Address: 10 Edith Road Clacton on Sea Essex

Description of Development: : Change of use from guest house to six bedsits and two one-bedroomed flats

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Recommendation

Although there is a deficit of play space in Clacton/Holland, it is not felt that this development would impact the current deficit as this is a conversion to 1 bedroom property.

No contribution is requested on this occasion.

3. Planning History

03/00812/FUL	Replace existing concrete fire escape stairs with a spiral staircase.	Approved	07.07.2003
--------------	---	----------	------------

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

ER24 Protection of Hotels and Guest Houses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

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)

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

LP11 HMO and Bedsits

PPL8 Conservation Areas

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

Site Description

The application relates to 10 Edith Road, within Clacton-on-Sea. The site is currently a guest house, with accommodation on 3 storeys in a street of similar properties near the seafront in Clacton-on-Sea. It is semi-detached and attached to No. 12, which is also a guest house. The character of the surrounding area is heavily urbanised, with built form to all sides; immediately this is dominated by a mixture of residential and guest house use, however further out sees more commercial units to the south and to the north. The site falls within the Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site also sits to the north of the Clacton-on-Sea Conservation Area.

Description of Proposal

The application proposes the change of use of the property from its existing C1 guest house use into 8 x C3 units. This is broken down as 6 x bedsits, with three on the ground floor and three on the first floor. Each is to be individually accessed and each will be its own independent unit, with a kitchen and bathroom area. To the second floor it is proposed to have 2 x 1 bedroom flats, each with a bedroom, kitchen and bathroom area, and a living room.

The application is in outline form with layout and access being assessed.

Planning History

Under planning reference 15/01637/FUL, permission was refused to convert the guest house building at 12 Edith Road into eight self-contained residential units, in a similar manner to the application currently being determined. It was refused on the grounds that insufficient information had been provided to suggest the site was not viable in its existing use, and also a lack of private amenity space.

Under planning reference 18/00531/OUT, permission was refused at 2 Edith Road for the conversion of the guest house into 15 bedsits/flats. The key difference with this application is that a previous enforcement appeal decision had concluded that the four separate ground floor units were present from 2008 and were therefore lawful. This decision significantly altered the viability of the guest house use. However, the application was still refused on the grounds that there was insufficient private amenity space and not adequate living conditions. This decision was also dismissed at appeal.

Assessment

1. Principle of development

Loss of a Guest House:

Saved Policy ER24 states 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. The pre-amble 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 district's coastal towns, the Council will refuse proposals for the change of use or redevelopment of existing hotels and guesthouses to alternative uses, either in part or in whole.

An appeal decision (APP/P1560/A/12/2175257) at the Parade Hotel, 11-13 Marine Parade East is considered relevant to the current proposal. That appeal was dismissed for change of use from 22 bed hotel to 8 bed hotel and 8 self-catering holiday apartments. The Inspector found the main issues to be the effect of the appeal proposal on the holiday and tourism function of the area; and upon employment opportunities in Clacton-On-Sea. In that case some element of employment was retained to serve the reduced tourist accommodation, but was reduced from the previous level. That hotel had not been operational for a few years.

The appeal decision refers to Saved Policy ER24 which requires proof that the existing hotel use is no longer viable in order to safeguard a wide choice of accommodation for tourists, and Saved Policy ER3 which seeks to protect employment premises. The Inspector found both policies to be generally in conformity with the over-arching principles of the National Planning Policy Framework to secure sustainable development and consequently positive growth.

The Inspector states at paragraph 11 "The fact that the Hotel had been closed for sometime and had fallen into disrepair is not in itself justification for a change in the nature of the use, nor does it indicate whether the business was viable or not, both in the past and for the future." And at paragraph 13 "No substantive, convincing case has been put to me to show that the Parade Hotel is no longer a viable business proposition as a traditional hotel, nor is inherently unsuitable for such an employment generating use when measured against LP policy requirements." The Inspector therefore concluded that "the unjustified loss of a traditional hotel in the core resort area would unacceptably harm the choice of accommodation for tourists, undermining the holiday and tourism function of the resort contrary to LP Policy ER24. In addition, the proposal would result in the unjustified loss of employment opportunities within the town compromising the terms of LP Policy ER3."

The agent for the application has submitted the following evidence of a marketing campaign to demonstrate that the site is no longer viable as a guest house;

- There are "For Sale" boards on the most recent google earth pictures;
- The site was advertised with Omega Property Services between 08/08/16 (as a bed and breakfast) to 30/01/17 and also 05/06/15 to 30/01/17 (as a former guest house);
- A signed and witnessed letter stating that the site took no paying guests or acted as a Hotel/Guest House/Boarding House in any form since 2006;
- A letter from a Valuation and Marketing Consultant at Omega Properties confirming that the property had been advertised as a guest house but there had been very little interest with no serious offers made; and
- A graph showing the average asking price for properties within the local area between 10/08/14 and 11/11/18.

However the marketing information provided is approximately 18 months out of date and is not conclusive that the property was ever marketed solely as a guest house. There is also a lack of information to identify what interest had been shown in the property and what the reasons were for why this interest did not materialise into a purchase. The marketing information provided is therefore not considered to be of a sufficient nature to demonstrate the sites current use is no longer viable. The proposal therefore results in the loss of a guest house within the centre of the District's main coastal resort of Clacton-on-Sea contrary to Saved Policy ER24 and Emerging Policy PP9 to the detriment of the tourist economy.

Conversion to Bedsits/Flats:

At Paragraph 127 (f) the National Planning Policy Framework (2018) confirms that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Saved Policy HG10 relates to conversions of buildings to flats and bedsits. This is a criteria based policy that aims to ensure that proposals for bedsits/flats do not adversely impact upon the character of the locality, are of sufficient standard to meet basic functional needs and are served by adequate parking, amenity and refuse facilities.

Saved Policy QL10 is also of relevance as it states that all new development should meet functional needs including adequate daylight, outlook and privacy for occupiers and the provision of private amenity space, waste storage, separation and recycling facilities and vehicle/cycle parking.

Saved Policy HG9 concerns private amenity space and states that each unit should have a minimum of 25 sqm per unit provided communally or a 50 sqm private garden area for a ground floor unit and minimum balcony areas of 5 sqm for units above.

Saved Policy HG10 states conversion to flats and bedsits within SDBs will be permitted subject to seven (summarised) criteria relating to:

(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 260sqm in size. 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 Edith Road does not contain solely single family dwellings, and therefore the proposed conversion of the property would not be out of character in this location.

(iii) it does not involve the total or partial conversion to bed sitting 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.

The proposal will result in the partial conversion to bed sitting rooms, which is defined as a room used for sleeping where some of the basic facilities for food preparation and hygiene are also provided. However, the proposed changes will not be an intensification of the existing use, and will also not harm the busy character of the surrounding area.

(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 is the partial removal of the external spiral staircase. 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 8 residents would reside in the building, the impact upon local residents in respect noise/disturbance would be minimal. There are no additional proposed windows, and whilst the rooms serving the existing windows will all be main habitable rooms, this is in accordance with the existing floor layout and will therefore not result in a significant increase in potential overlooking.

(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.

Whilst it is noted that the six parking spaces shown on the submitted drawings do not accord with the current parking standards, it is also recognised that the property could already generate a certain level of traffic due to the B&B guests and servicing vehicles.

With regard to car parking, there is space to the front of the property to accommodate up to three parking spaces measuring 5.5m x 2.9m, which are each in accordance with Adopted Car Parking Standards parking space measurements. Whilst there is only provision for three parking spaces for eight units, this is in line with the existing parking arrangements, and the site itself is located within a highly sustainable location in good walking distance to key amenities including bus stops, a train station, the town centre and beach, the desire for parking is reduced. Further Essex Highways Authority have also raised no objections to the scheme subject to a number of conditions. Therefore, on balance, the lack of full provision of parking spaces is not considered significantly harmful enough to form part of the refusal of this application.

(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. This would equate to a minimum of 200 square metres. The submitted plans show a communal area of approximately 84 square metres, separate patio areas for Units 1, 2 and 3, and balcony areas for Units 4 and 6. Whilst overall this does still fall short of the above required amount, the site is also located within a highly sustainable location in close proximity to a number of amenity areas including the beach. Therefore, on balance, this loss is not considered to be of significant enough detriment to form part of the refusal for this application.

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

Whilst there is an adjoining dwelling to the north of the site, given the busy town centre location and that the rooms are largely to be within a similar use to that currently, the proposed layout will not result in significant noise disturbance. It is further acknowledged that the majority of the occupied rooms will be to the southern section of the dwelling, further reducing noise impacts.

2. Heritage Impact

The site is also in close proximity to the Clacton Conservation Area which is located approximately 30 metres to the south-east. However, only limited external alterations are proposed and the proposal would therefore preserve the setting of the conservation area.

3. Legal agreement

As the proposal is solely for one bedroom units there is no requirement to make a financial contribution towards improvement of public open space facilities under Saved Policy COM6.

Other considerations

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

Councillor Honeywood has objected to the application on the following grounds:

- Loss of a guesthouse/tourist accommodation;
- Detrimental to the tourist economy;
- Impact on viability of the town; and
- Insufficient information on issues such as parking and amenity space.

In answer to this, all of these points have been addressed within the main body of the report.

There have been three other letters of objection received, stating the following:

- Loss of a guest house;
- Parking concerns; and

- Detrimental to tourist economy;

In answer to this, all of these points have been addressed within the main body of the report.

6. Recommendation

Refusal.

7. Reason for Refusal

- 1 The National Planning Policy Framework (2018) states the Government 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 economic growth.

Saved Policy ER24 of the Tendring District Local Plan (2007) states 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. The pre-ambles refer to the steady decline in serviced tourist accommodation and recognise 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 Policy PP9 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft, where it states that within defined centres and along the seafront within the district's coastal towns, the Council will refuse proposals for the change of use or redevelopment of existing hotels and guesthouses to alternative uses, either in part or in whole.

The marketing information provided is approximately 18 months out of date and is not conclusive that the property was ever marketed solely as a guest house. There is also a lack of information to identify what interest had been shown in the property and what the reasons were for why this interest did not materialise into a purchase. The marketing information provided is therefore not considered to be of a sufficient nature to demonstrate the sites current guest house use is no longer viable.

The proposal therefore results in the loss of a guest house within the centre of the District's main coastal resort of Clacton-on-Sea contrary to the NPPF, Saved Policy ER24 and Emerging Policy PP9, to the detriment of the tourist economy.

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 reason(s) for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify: Mr & Mrs D A Mathers 3 Westcliff Court Edith Road Clacton-on-Sea Essex CO15 1LA	YES	