

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/02/19
Planning Development Manager authorisation:	AN	11/2/19
Admin checks / despatch completed	SB	11/02/19.

Application: 18/02005/FUL **Town / Parish:** Harwich Town Council

Applicant: Ms Susan Waters

Address: 44 Cliff Road Dovercourt Harwich

Development: Proposed change of use from residential to HMO.

1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects to this application on the grounds of inappropriate development, over development, inadequate parking provision and an unacceptable increase to the strain on the highway in terms of congestion and parking. Furthermore, it is requested that the application be considered by committee, rather than by delegated officer decision.

2. Consultation Responses

ECC Highways Dept

This is an existing dwelling that has no vehicular access. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. 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.

2. 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.

3. 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 1:

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.

The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

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

Private Housing

We are happy with the layout. We will speak with the owner about the 1 to 5 ratio. We will accept 1 to 6 and as the kitchen is large and has capacity, we feel that the existing set up will be satisfactory.

3. Planning History

17/00915/FUL First floor bathroom extension. Approved 25.07.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

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 the plan-led approach.

5. Officer Appraisal

Site Description

The application site is 44 Cliff Road, Dovercourt, which is a terraced three storey residential dwelling. The surrounding area is highly urbanised, with numerous residential dwellings to all sides and commercial properties located a little further to the north within the main body of the Dovercourt Town Centre. Further to the north-east, approximately 75m, is the Dovercourt Conservation Area. The site falls within the Dovercourt 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 retrospective planning permission for the change of use of the property into a 7 bedroom house in multiple occupation (HMO). The use has been operating since May 2017. The accommodation is split as follows;

- 1 bedroom, kitchen and dining room in the basement;
- 2 bedrooms and bathroom at ground floor;
- 2 bedrooms and bathroom at first floor; and
- 2 bedrooms at second floor.

Access to the rear garden area for all rooms can be achieved via a side passage, or via Mill Lane to the rear of the site.

The use of a building by up to six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation). However larger HMO's such as this proposal are a Sui Generis use. HMOs fall to be considered on their merits against the relevant planning policies.

The plans also show a ground and first floor rear extension above the existing basement floor extension, to serve a bathroom on both the ground and first floors. This was however previously approved under planning permission 17/00915/FUL.

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 160sqm in size. Furthermore, the sizes of the bedrooms range from 9.5sqm to 19.5sqm, 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 Cliff Road does not contain solely single family dwellings. The road contains a number of existing flats, including Cliff Court 60m to the south-east, with only few dwellings being the single family dwellings referred to within this criterion. Consequently, the HMO use is not out of character in this location on the edge of Dovercourt 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 change proposed is the additional rear extension; however this has previously been granted planning permission under planning reference 17/00915/FUL. Therefore the conversion has a neutral impact upon the character and appearance of the locality.

In terms of local resident's amenity, whilst it is unlikely a standard house would be occupied by seven residents, the proposal does not significantly differ to a standard house arrangement. Therefore the impact upon local residents in respect noise/disturbance is not significant.

(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 no external changes proposed to the building or its frontage. There is an enclosed flower garden to the front of the property, which ensures the proposal will not result in additional harm to the character or appearance of the area.

With respect to car parking, the agent highlights within the Design and Access Statement that "*Cliff Road provides unrestricted parking for all residents . . . therefore there is ample parking for the few people that may have a car in the property.*" However, the submitted plans do not highlight this parking provision and it appears to be on street parking outside the applicant's control. The site is located on the edge of the Dovercourt Town Centre and adjacent to the seafront; it is therefore within good walking distance to a number of key amenities and public transport. Further, the parking arrangements have not been amended to its existing C3 residential use, and therefore there is not significant additional harm as a result. Therefore, on balance, the lack of parking provision is not considered harmful enough to warrant a reason for refusal.

Essex Highways Authority have also raised no objections to the scheme subject to a condition relating to details of the provision for bicycle storage. While the plans do not indicate an area for cycle provision, there is room to the rear of the property to accommodate this. A condition will

therefore be added to this decision to ensure details of this are provided. A further condition relating to the provision of a Residential Travel Information Pack was requested; however given the minor nature of the development it would not be reasonable to include this.

(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. The submitted plans suggest there is 82.5sqm of private amenity space. 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 residents would occupy the premises in a way which would not impinge upon local resident's amenity. Further, whilst the layout results in a number of the occupied rooms being sited adjacent to Number 46 to the north, due to the terraced nature of the property any layout would result in a degree of harm in this respect, but this is not considered to be materially different to that of a dwelling.

Other Considerations

Harwich Town Council object to the proposal as it will be overdevelopment with inadequate parking provision and an unacceptable increase to the strain on the highway.

In answer to this, most of these points have been raised in the main body of the report above. With respect to the proposal representing overdevelopment, there are no external changes.

There have been no other letters of representation received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, drawing number 1433 and the submitted Design and Access Statement.

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

- 2 Within two months of the date of this decision, details of secure, convenient and covered cycle parking facilities shall be provided in accordance with the Adopted Parking Standards. Within three months of these details being approved in writing by the Local Planning Authority, these facilities must be installed in accordance with the approved plans and shall remain for that sole use in perpetuity.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Reception and Storage of Building Materials

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.