

PLANNING COMMITTEE

15th December 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 20/01285/FUL – SPENDELLS HOUSE NAZE PARK ROAD
WALTON ON THE NAZE CO14 8JJ**



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Application: 20/01285/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mr Tim Clarke - Tendring District Council (Housing)

Address: Spendells House Naze Park Road Walton On The Naze Essex CO14 8JJ

Development: Proposed change of use from sheltered housing scheme (dwelling house, C3) to a hostel (sui generis) for temporary accommodation purposes.

1. **Executive Summary**

- 1.1 The application is before Members as the site is within the ownership of Tendring District Council. The Assistant Director of Housing and Environment has made the application.
- 1.2 The application relates to Spendells House Sheltered Housing Scheme located on the southern side of Naze Park Road, Walton-on-the-Naze. The site lies within the Settlement Development Boundary of Walton-on-the-Naze as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). A mixture of residential development comprising single and two storey dwellings, with five storey blocks of flats to the west, surround the site.
- 1.3 On 23rd March 2018 the decision was made by Cabinet to close Spendells House due to very low demand from those eligible to live in sheltered housing; whilst homelessness applications and temporary accommodation placements have been increasing over recent years. Temporary accommodation is currently sourced externally via local property owners and bed and breakfast establishments.
- 1.4 The development proposal consists of a change of use from C3 (dwellinghouse) to a Sui Generis (Hostel accommodation). The building will provide council owned and managed temporary accommodation to households to whom the Local Housing Authority owe a statutory duty to accommodate under homelessness legislation. The development does not propose any significant external changes to the building. Internal alterations will consist of changes to the layout and accommodation including some new bathrooms, a fully accessible flat and staff/office areas, but overall the layout will remain largely unchanged.
- 1.5 Given the current shortage of affordable homes in the district, facilities such as this play a vital role in providing short-term accommodation for sections of society in need, which is supported by national policy. Furthermore, the site is located in a highly sustainable, built up area within easy walking distance of a local convenience store, a café, the beach and other amenities. There is a bus stop to the front of the site providing regular services to Walton, Frinton and Clacton.
- 1.6 The proposal is for a residential use comparable to the residential use currently permitted within Spendells House. Whilst it is recognised that the proposed use would adopt a more transient nature and include younger residents and families, officers do not consider that any material harm to the character of the area, residential amenities or highway safety would result.
- 1.7 The development will ensure a vacant premises is brought back into use as council owned and managed temporary accommodation providing a better quality and more versatile provision than is currently available externally, thus providing a valuable contribution to the housing mix for the District in a sustainable location. The application is therefore recommended for approval subject to conditions.

Recommendation: Full Approval

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- CP1 Sustainable Transport and Accessibility
- HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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.
- 2.2 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.3 The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.4 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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:

- 2.5 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.

- 2.6 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).
- 2.7 In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

3. Relevant Planning History

FRW/215/65	Council Housing – Older Persons Units (application made by Frinton and Walton Unitary District Council)	Approved	15.2.1966
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4. Consultations

ECC Highways Dept 13.11.2020	The Highway Authority understands the complexities of those homeless, the urgency in securing suitable accommodation for those in need and the constraints that exist. The proposal is for a change of use from sheltered accommodation where residents would not be expected to be car owner/drivers to a use where significantly more occupiers could and will be car owners and where insufficient off street parking provision exists. The proposal is likely to lead to additional vehicles being parked in the adjoining highway causing conditions of danger, obstruction and congestion to road users contrary to the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
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If your Council is minded to Approve the proposal then the Highway Authority suggests the following Condition being applied:

The development shall not be occupied until such time as details of public transport facilities (timetables and locations of bus stops etc), walking and cycling being prominently displayed and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority.

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 of the Highway Authority's Development Management Policies February 2011.

NHS East Essex CCG No comments received.

Adult Social Care No comments received.

ECC Schools Service No comments received.

5. Representations

5.1 Frinton and Walton Town Council recommend approval.

5.2 Five letters of objection have been received. The concerns and objections raised can be summarised and addressed as follows (***officer response in italics***);

- Unsuitable, cramped accommodation for families.
- Insufficient number of rooms and space for maximum capacity of 81.
The information provided in support of the application demonstrates that the use of Spendells House would be appropriately managed based on the level and layout of accommodation within the building and the individual circumstances of the families; thus ensuring good living conditions for residents during their temporary stay.
- Noise and disturbance.
This is covered in the 'Residential Amenities' section of the main report below.
- Trees and shrubs on boundary provide screening and should be retained.
Nothing within the application proposals includes the removal of any boundary planting.
- Inadequate refuse area will cause untidy site.
The precise siting and details of the proposed outside refuse area will be secured by condition to be approved by the Council's Waste Team.
- 24/7 warden and support should be provided on site.
The building will have two full time members of staff on site during office hours, Monday to Friday, with flexible staffing provision available out of hours and at weekends and bank holidays. The buildings Careline system will be upgraded providing individual modules in each flat with connecting smoke detectors. These modules will allow staff members to communicate with residents during office hours or out of hours.
- Will increase pressure on schools and doctors.
The supporting information confirms that any school age children will continue to attend their current school. This is supported by the provisions within the Essex County Council Education Policy Document. Section 3 of the Policy covers 'Family residing in temporary accommodation and on the housing list' and states:

'Where a family has been temporarily re-housed consideration will be given to provide transport assistance to the child's current school for one term at a time whilst they are waiting for permanent housing providing the distance criteria is met. This would be considered for a maximum of three academic terms in order for families to find alternative accommodation or make their own transport arrangements'

Due to the temporary nature of this accommodation, clients would also remain with their current doctor until a settled home was found.

- Anti-social behaviour.
Should any anti-social behaviour occur, this would be a matter for the police.
- Should be kept as flats – homes for the elderly are needed.
Evidence provided by Housing Services demonstrates that there is no demand for sheltered housing accommodation of this nature in this location.
- Inaccurate plans not showing new development directly adjacent.
An up to date block plan has been provided.
- Insufficient parking causing overspill into surrounding streets.
Due the unfortunate circumstances of the residents using such a facility, few occupants are likely to own a car. Through appropriate management of the potential residents in need, the limited car parking areas can be used appropriately. The site is within a highly sustainable location with access to a frequent bus service and amenities/facilities within comfortable walking distance.

6. Assessment

6.1 The main planning considerations are:

- Background and Site Context;
- Site Description;
- Description of Proposal;
- Principle of Development;
- Visual Impact;
- Access and Parking;
- Residential Amenities;
- Financial Contribution – Recreational Disturbance; and
- Financial Contribution – Open Space and Play Space.

Background and Site Context

- 6.2 Following Cabinet's decision on 23 March 2018, 'Spendells House' was closed as a sheltered housing scheme and residents relocated to other housing in the district. The primary reason for its closure was due to very low demand from those eligible to live in sheltered housing, in this instance, over 60 year olds.
- 6.3 Homelessness applications and temporary accommodation placements have been increasing over recent years, a trend that shows no sign of diminishing. Currently temporary accommodation is sourced externally via local property owners and bed and breakfast establishments.
- 6.4 In 2019/20, 268 households were placed in emergency temporary accommodation with the average time spent in the accommodation being 5 weeks. The longest period of time a household stayed in emergency temporary accommodation was 27 weeks, but in contrast, the shortest time was 1 day.
- 6.5 The need for council owned temporary accommodation has arisen due to the need to:
- Mitigate the use of Bed and Breakfast and other poorer quality temporary accommodation;
 - Provide suitable accommodation with cooking facilities for families;
 - Reduce the cost of outsourced temporary accommodation; and

- Increase provision resulting from the increased demand and the national shortage of affordable housing.

6.6 The supporting statement explains that the proposals will allow an empty building to be easily adapted and brought back into use as temporary accommodation for homeless households in the Tendring District making efficient use of the land. Importantly, the temporary accommodation will be Council owned and managed thus providing a better quality and more versatile provision than is currently available externally.

Site Description

6.7 The application relates to 'Spendells House' which is a two-storey building formally in use as a sheltered housing scheme for over 60 year olds located on the southern side of Naze Park Road, Walton-on-the-Naze.

6.8 The application site lies within the Settlement Development Boundary of Walton-on-the-Naze as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site is also within the Urban Regeneration Area of Walton. A mixture of residential development comprising single and two storey dwellings, with five storey blocks of flats to the west, surround the site.

6.9 For the purposes of describing the existing site and proposals, the building can be broken down into 4 sections comprising:

- **Section 1** - The central block with main entrance, utilities and bin store areas together with shared kitchen, dining, lounge, recreation and store areas at ground floor (part single storey);
- **Section 2** - The eastern side projection accommodating an adjoining 2 bedroom warden's flat with integral garage, 1 parking space to the front and a self-contained garden (single storey);
- **Section 3** - The south, rear projection accommodating 7 flats at ground floor plus a large shared bathroom and 9 flats above together with a shared laundry room and guest room (two storey containing 16 no. bedsit flats); and,
- **Section 4** - The north-west, front projection accommodating 6 flats at ground floor and 8 flats at first floor together with a rear balcony and large shared bathroom (two storey containing 10 bedsit flats and 4 no. 1 bed flats).

6.10 The car park is accessed via an existing driveway directly off Naze Park Road. To the front of the site, there is currently parking available for nine cars in total, one of which is accessible and one that is used for staff parking for the warden.

6.11 In summary, 'Spendells House' includes 26 no. bedsits and 4 no. 1 bed flats across two floors. All bedsits and flats benefit from their own toilet, washbasin and a kitchenette. On each floor, there are currently 2 communal toilets, 2 disabled friendly wet rooms and 2 self-contained bathrooms. On the ground floor, there are a small office, a toilet, 3 communal recreational rooms, a kitchen, a storage room, and on the first floor there is a laundry room. The building has two stairways and a lift. There is a large garden to the rear of the property. The adjoining bungalow contains 2 bedrooms, a lounge, a kitchen, a bathroom and a self-contained garden. The bungalow has its own private access as well as adjoining access to the main building, which is currently blocked off.

Proposal

6.12 The development proposal consists of a change of use from C3 (dwellinghouse) to a Sui Generis (Hostel accommodation). The building will provide Council owned and managed temporary

accommodation to households to whom the Local Housing Authority owe a statutory duty to accommodate under homelessness legislation.

- 6.13 The development does not propose any significant external changes to the building other than refurbishment/ replacement of windows (some windows will be replaced with frames and glazing to match existing). The only discernible external change will be the loss of the existing rear first floor balcony and installation of a lean-to roof.
- 6.14 As a sheltered scheme, Spendells House provided 30 flats for residents and an adjoining Warden's flat. This layout of the building will remain largely unchanged. In addition to the existing 30 flats the following internal alterations are proposed;

Changes to Central Block Section 1 of the building (ground floor) –

- Convert the communal recreational lounge area into a wheelchair accessible self-contained flat with a level access shower and kitchen.
- Convert the existing communal dining area into a communal laundry room for residents with direct access to the garden.
- Convert the communal ground floor kitchen into a large family bathroom.
- Convert the store room into 2 additional self-contained shower/bathrooms.

Changes to Eastern Side Section 2 of the building (formally Warden's Flat) –

The former adjoining Warden's flat will be converted into office space for staff and a meeting/interview room. Hot desks will also be available for visiting officers and other agencies, who will be offering support to residents.

- The adjoining door from the main building to the bungalow will be re-installed with secure access for staff.
- The former lounge will be used as the main office space.
- Bedroom 1 will be used as an interview room.
- Bedroom 2 will be used as a meeting room.
- The garage will be used as a storage room.
- A new internal door will be installed for direct access from the main office to the interview room.

Changes to Southern Rear Section 3 of the building (ground floor) –

- An internal door will be added between ground floor flats 6 and 7.

Changes to Southern Rear Section 3 of the building (first floor) –

- Convert the existing laundry room into a shower room to provide additional washing facilities with self-contained shower cubicles.
- Add internal connecting door between first floor flats 20 and 21.
- Convert existing guest room into a separate bedroom and provide connecting internal door, altering flat 23 into a 1 bedroom flat.
- Add internal connecting door between first floor flats 22 and 23.

Changes to Northern Forward section 4 of the building (ground floor) –

- No changes.

Changes to Northern Forward Section 4 of the building (first floor) –

- Add internal connecting door between first floor flats 25 and 26.
- 6.15 An additional/amended plan showing the external proposals has been provided. Originally, it was proposed to occupy an existing parking bay for bin storage. It is now proposed to remove an existing planting bed to the front of the building, enlarging an existing hard surfaced area for bin storage. These amendments allow for the retention of the parking bay and the addition of a further staff parking space added alongside the existing staff parking space to the front of Section 2 of the building (formerly Warden's flat and parking). A secure cycle store to the front of the building is also proposed.
- 6.16 A bin store area is proposed to the front of the building alongside the staff parking and cycle parking areas.
- 6.17 The existing outside space to the side of Section 3 and the rear of Section 4 of the building will continue to be used as amenity space for residents. The former self-contained Warden's garden will remain self-contained as amenity area for staff only with no access for tenants.
- 6.18 Spendells House will primarily be used to accommodate households whilst their homelessness application is assessed. The building will not be used to accommodate households that pose any known risk to other individuals and will mainly be used for homeless families.
- 6.19 Examples of households who could be placed in Spendells House:
- Homeless households with a priority need i.e. households with children, a disability or other vulnerability;
 - Decants from council owned property i.e. Floor/ fire damage;
 - Responding to an Emergency Plan incident. For example, in a serious flooding emergency rest centres are used in the immediate aftermath, and whilst most people go home, some may be in need of temporary accommodation.
- 6.20 The building will have two full time members of staff on-site during office hours, Monday to Friday, with flexible staffing provision available out of hours and at Weekends and Bank Holidays. The staff on-site will manage the building and support residents with any queries. Staff will make referrals to external support agencies should residents need any specialist support. Support agencies will be invited to use the hot desk facility at Spendells House, and will be able to provide drop-in services to support residents should this be required. All residents will have an allotted Housing Solutions Officer who will remain responsible for their homelessness application and the Accommodation Officer, within the Housing Solutions Team, will assist with sourcing moving on accommodation.
- 6.21 Households will sign a non-secure Licence Agreement when they move into the accommodation with rules and regulations, which they have to follow. The Licence can be ended, with reasonable notice or with immediate effect, if there are any breaches of rules or if the Council has no ongoing duty to accommodate the applicant.
- 6.22 The buildings Careline system will be upgraded providing individual modules in each flat with connecting smoke detectors. These modules will allow staff members to communicate with residents during office hours or out of hours.
- 6.23 CCTV will be in operation around the perimeter, and at the communal entrance to the building for security, which can be viewed by council staff.

Principle of Development

- 6.24 The National Planning Policy Framework 2019 (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.

- 6.25 Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental and highway safety as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.
- 6.26 The site lies within the Settlement Development Boundary of Walton-on-the-Naze as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) where residential development is supported subjected to relevant detailed considerations.
- 6.27 Furthermore, given the current shortage of affordable homes in the District, facilities such as this play a vital role in providing short-term accommodation for sections of society in need, which is supported by national policy.

Visual Impact

- 6.28 Paragraph 127 of the NPPF states that developments should; function well, add to the overall quality of the area, be visually attractive as a result of good architecture and layout and be sympathetic to local character. Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan.
- 6.29 As stated above, the proposed external alterations are minimal. The alterations to the existing first floor balcony area is to the rear of the building and will not be publically visible. The proposal alterations will not materially alter the external appearance of the building from the public domain therefore resulting in no visual impact on the character of the area.

Highway Safety/Parking

- 6.30 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.31 The Essex County Council Parking Standards - Design and Good Practice September 2009, set out the minimum parking requirements for new development. The parking standards for Use Class C3: Dwellinghouses require 1 space per unit. Also falling within this category are retirement developments including warden assisted independent living accommodation. The requirement for this type of accommodation is also 1 space per unit. Parking Standards for other

uses falling within the 'Sui Generis' category includes 'Hostels providing no significant element of care'. The parking standards for hostels require 1 space per full time staff equivalent. No resident parking requirements are given.

- 6.32 Access to the site is gained via an existing driveway leading to the car parking area to the front of the building. There is currently parking for 9 cars serving the existing 30 units; one of which is accessible and one that is used for Staff Parking (former Warden's space).
- 6.33 Following the receipt of an amended plan, the application now proposes the retention of the existing 9 spaces and the addition of 1 further staff parking space alongside the existing to the front of Section 2 of the building (former Warden's flat and parking area).
- 6.34 In addition to parking, a new bicycle rack will be installed at the front of the building for residents to use.
- 6.35 The building will have two full time members of staff on site during office hours, Monday to Friday. The proposal provides 2 staff parking spaces in accordance with the requirements set out for Hostel accommodation within the Parking Standards.
- 6.36 Essex County Council Highway Authority have provided comments on the application raising concerns with the level of parking for the development. The Highway Authority state that the proposal is for a change of use from sheltered accommodation where residents would not be expected to be car owner/drivers, to a use where significantly more occupiers could be car owners, thus insufficient off street parking provision is provided. On this basis, they raise concerns that proposal is likely to lead to additional vehicles being parked in the adjoining highway causing conditions of danger, obstruction and congestion to road users contrary to the interests of highway safety. However, if the local planning authority are minded to support this application it is recommended that a condition be imposed to support sustainable travel choices relating to full details of public transport facilities (timetables and locations of bus stops etc), walking and cycling being prominently displayed and regularly updated and maintained in perpetuity within the site.
- 6.37 The Highway Authority formulate their recommendation based upon residents within the permitted sheltered housing scheme being unlikely to own a car. Whereas, the Parking Standards do not differentiate between dwellinghouses and retirement accommodation. However, the Parking Standards do recognise the different character of Hostel accommodation to that of standard dwellings or retirement accommodation.
- 6.38 In this regard and based on information provided in support of the application, it is not unreasonable for officers to conclude that the unfortunate circumstances of those seeking temporary accommodation would mean they cannot afford to run a car and many will rely on public transport. The emergency accommodation currently provided by Housing Services has no access to car parking and no concerns have been raised from clients.
- 6.39 Assessing the application against the parking standards set out for Hostels, the application complies as 2 staff parking spaces are provided. Furthermore, with careful management of potential occupants based on their individual circumstances, the Council can ensure parking availability meets those needs.
- 6.40 Moreover, the site benefits from direct access to public transport. A bus stop directly to the front of the site provides regular buses to the town facilities in Walton and Clacton, as well as to the train stations with links to the surrounding area. The site is also within easy walking distance of a local convenience store and recreational facilities.
- 6.41 For any households being placed in Spendells House who do not have their own transportation, or funds to pay for the public transport that is needed to reach the accommodation, they will be

provided with free transportation that could be in the form of a bus ticket or a licensed taxi. A list of licensed taxis will be obtained from the Licensing Manager within the Council.

Residential Amenity

- 6.42 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a high standard of amenity for existing and future users. Policy QL11 of the adopted Tendring District Local Plan (2007) states that development will only be permitted if it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.
- 6.43 The existing outside space to the western side and rear of the site will continue to be used as amenity space for residents. The former self-contained Warden's garden to the rear of Section 2 of the building will remain self-contained for use by staff only with no access for tenants.
- 6.44 The main area of amenity space to the western side of the building is bounded by the bin store, parking and open grassed areas associated with the flats in Spendells Close. The former Warden's garden area is located directly adjacent to the recently built dwellings off Greville Close with the property known as 'Acorns' sharing a boundary with the site.
- 6.45 Having regard to the location of the site within a well built up area surrounded by existing residential properties and their gardens; and the permitted use of the building, use of the allocated outside space by residents will not result in any significant noise nuisance or disturbance. The use of the former Warden's garden area by staff only during office hours will see a reduction in potential noise to those neighbours closest in Greville Close.
- 6.46 In terms of noise and disturbance to residents from construction works, a condition controlling hours of working and associated vehicular movements is included.

Financial Contributions – Recreational Disturbance

- 6.47 Under the Habitats Regulations, where necessary, a proportionate financial contribution will be secured in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) requirements to ensure that development will not have an adverse effect on the integrity of European sites from recreational disturbance, when considered 'in combination' with other development.
- 6.48 The development site lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites but is approximately 500 metres from the Hamford Water Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites.
- 6.49 Having regard to the aims and objectives of RAMS; the current C3 Residential Use of the site; and the transient nature of the proposed residential accommodation, a financial contribution is not considered necessary in this instance.
- 6.50 The existing building can be used for sheltered housing for local residents on a permanent basis. The proposed use will provide temporary accommodation for local residents in need; being moved from elsewhere in the district and then moved on to a more permanent housing solution. The proposal does not result in an increase in permanent housing numbers or a net increase in residents and is comparable to the existing permitted use.
- 6.51 Having considered the aims of the strategy and the merits of the proposal, Tendring District Council conclude that the development will not result in an adverse effect on the integrity of the European sites included within the Essex Coast RAMS and no contribution is being sought on this occasion.

Financial Contribution – Open Space and Play Space

- 6.52 Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5. In line with the requirements of saved Policy COM6 and emerging Policy HP5, the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open space or play space.
- 6.53 There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby.
- 6.54 Although there is a deficit of play and open space facilities in the catchment area, it is not felt that there will be a net gain of residents caused by this development. The residents using the facility will be there on a temporary basis, some very short term, and moved from within the Tendring District. Therefore on balance, any added pressure to local open space and facilities from the use would see reduced pressure elsewhere in the District.
- 6.55 The site was previously used for the over 60's with the opportunity to use existing open space facilities and possibly play space when visited by grandchildren and family. As there will be no significant impact on the current facilities, on this occasion no contribution is being requested from the Council's Open Space Team.

7. Conclusion

- 7.1 The proposal will ensure a vacant premises is brought back into use providing a valuable contribution to the housing mix for the District in a sustainable location.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

Conditions and Reasons

- 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:

A2020/20/01 P Proposed First Floor Plan
A2020/20/01 P Proposed Ground Floor Plan
A2020/20/04 P Proposed Elevations
A2020-02-03 Amended Site Plan and Block Plan
A2020/20/PARK Parking Provisions and Public Transport Links

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

- 3 Prior to the beneficial use of the development details of public transport facilities (timetables and locations of bus stops etc), walking and cycling routes to shops and local

amenities shall be made available to residents and prominently displayed and regularly updated and maintained in perpetuity within the site.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 4 The development shall not be occupied until such time as the car parking provision and cycle store shown on the approved drawings have been hard surfaced, sealed and made available. The parking and cycle parking provision shall be retained in this form at all times for the sole purpose of parking in relation to the approved use.

Reason – To ensure parking provision for the site is maximised and retained in the interests of highway safety.

- 5 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 6 No vehicle connected with construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted to between the hours of 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason – In the interests of residential amenities and noise sensitive premises in close proximity of the application site.

- 7 Prior to the occupation of the development hereby approved, precise details of the siting and appearance of the refuse and recycling stores shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in the approved form.

Reason – In the interests of visual amenity as insufficient details have been provided with the application.

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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.