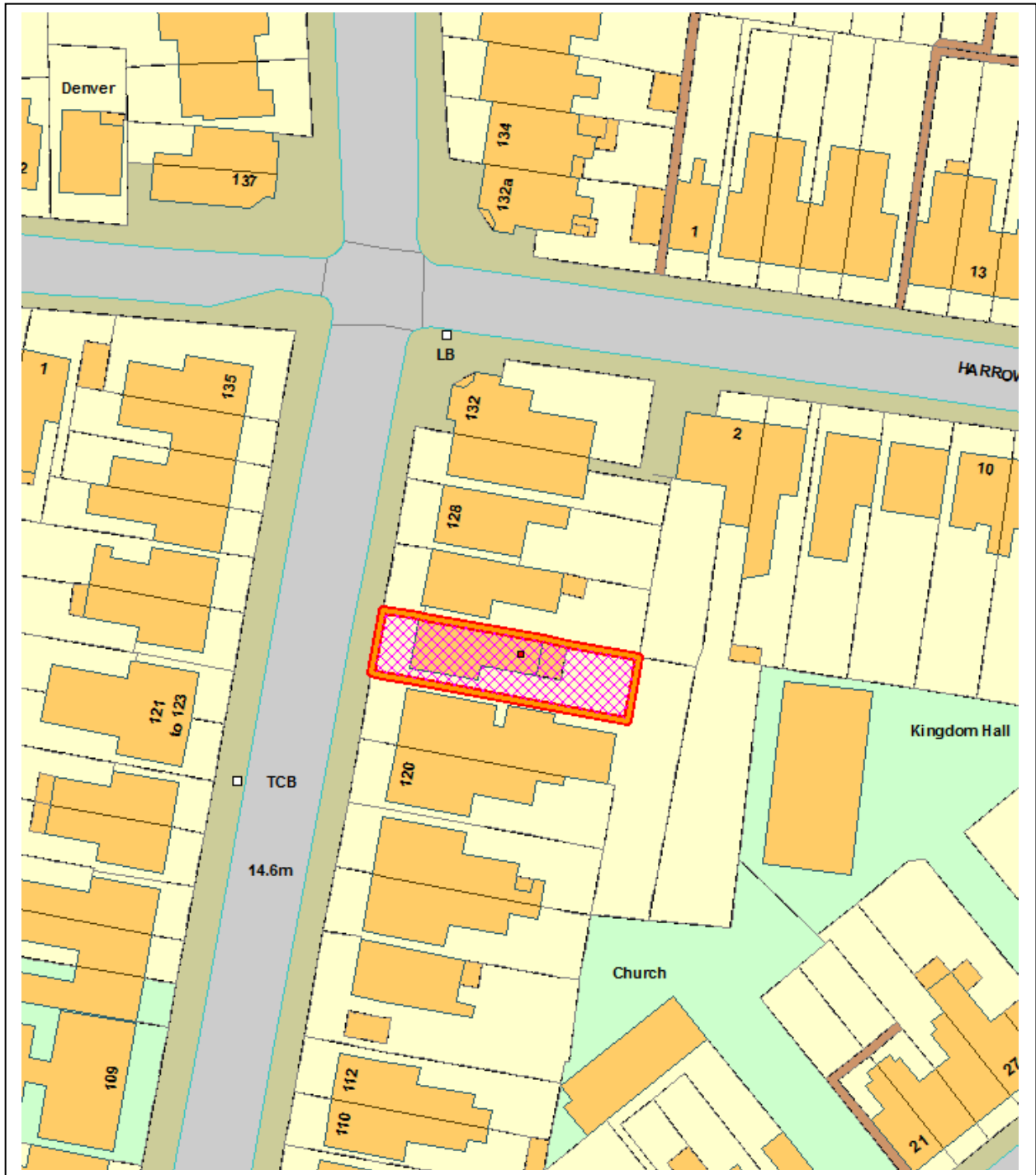


PLANNING COMMITTEE

4TH JANUARY 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATIONS - 16/01353/FUL - 124 WELLESLEY ROAD, CLACTON-ON-SEA, CO15 3PT



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Application:	16/01353/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr P Philippou - Stef & Philips	
Address:	124 Wellesley Road, Clacton-on-Sea, CO15 3PT	
Development:	Conversion of residential dwelling to 6 bedroom house of multiple occupation.	

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr's Mark Stephenson and Paul Honeywood.
- 1.2 This application seeks planning permission to convert a dwelling into a 6 bedroom house of multiple occupation. The property would be restricted to accommodating 6 adults only. The use of a building by six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation) and such a change of use from a single dwelling would not normally require planning permission. However, the Council has adopted a district wide Article 4 Direction which restricts residential dwellings being converted from residential to a house in multiple of occupation without first obtaining planning permission in order to retain control over the conversion of buildings into HMOs. The Article 4 Direction does not mean that HMOs are unacceptable in principle. They fall to be considered on their merits against the relevant planning policies.
- 1.3 The application site is situated on the eastern side of Wellesley Road in close proximity to Clacton Train Station and Clacton Town Centre.
- 1.4 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the council should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Saved Policy HG10 (Flats/Bedsits) of the Tendring District Local Plan (2007) is the most relevant policy to assess the development against. This policy sets out a number of criteria against which the merits of the proposal can be assessed.
- 1.5 The site is considered to be located in a highly sustainable location in close proximity to local facilities and public transport links. Having regard to the criteria listed under saved policy HG10 it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and amenity space/parking provision.

Recommendation: Approve

Conditions:

1. Time Limit – 3 years commencement
2. Occupation by adults only and no more than 6 residents at any time.
3. Provision of refuse bins prior to occupation
4. Details of secure bike storage
5. In accordance with approved plans and applicant's management plan/new tenants welcome pack

2. Planning Policy

National Policy

National Planning Policy Framework

National Planning Policy Guidance

Local Plan Policy

Tendring District Local Plan (2007)

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

TR1a Development Affecting Highways

TR3a Provision for Walking

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options and Consultation Document (July 2016)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP11 HMO and Bedsits

CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice (2009)

Houses in Multiple Occupation (HMO) Essex Approved Code of Practice (2012)

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

07/01316/FUL	Conversion of house from single family dwelling to incorporate 3 self contained flats (2 no 2 bedroom flats and 1 no 1 bedroom flat) including demolition of existing single storey rear extension and rebuilding part single storey and part 2 storey rear extension.	Approved	01.11.2007
10/01185/FUL	Conversion of house from single family dwelling to incorporate 3 self contained flats (2no. 2 bedroom flats and 1no. 1 bedroom flat) including demolition of existing single storey rear extension and rebuilding part single storey and part 2 storey rear extension. (Extension of time on previously approved 07/01316/FUL)	Refused	26.11.2010

4. Consultations

Environmental Health	Pollution and Environmental Control have no comments to make on this application. However the Residential Housing Team responsible for HiMO licensing should be consulted.
Housing Services	The work was completed to a very high standard, easily complying to our HMO regulations and the Housing Act 2004. In addition, the (would be) manager of the property seemed to be experienced in managing properties of this type outlining a clear support/management plan once the building is occupied. Therefore, I have no concern in issuing a HMO licence to the property or recommending that planning permission was approved.
ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above

application for the following reasons:

The proposal as submitted does not accord with current or emerging policy standards by reason of insufficient parking facilities. Dwellings with two or more bedrooms should provide two parking spaces but the proposal drawing only shows one.

Further emerging policies require C4 units to provide one parking space per bedroom. Experience shows that provision of fewer spaces creates additional parking in the highway, conflict with existing residents, and the increased braking and turning movements in the highway increases the risk of collisions. This would be exacerbated further by being in close proximity to the bus stop.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011;

A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011

B) Parking Standards - Policy DM8 of the Highway Authority's Development Management Policies February 2011

In order to accept this proposal this Authority would need to see the results of a full parking survey carried out between 01:00 and 05:00 showing evidence that there are suitable on-street parking spaces available.

On receipt of further information this Authority would be happy to reconsider this application

5. Representations

5.1 Cllr Paul Honeywood has objected to the application for the following reasons:

- Insufficient parking to meet the needs of a 6 bedroom HMO. Increased parking on the road.
- Increased on road parking will have a detrimental impact on local residents as there is already insufficient parking facilities in the area.
- An Article 4 Direction has been put in place by Tendring District Council to control the proliferation of HMOs.
- Development has the potential to expose vulnerable people to drugs/gangs and exploitation. Particularly as its location is close to clusters of HMOs in Clacton.

5.2 Cllr Mark Stephenson has confirmed that he wishes for the application to be referred to Planning Committee for the same reasons highlighted by Cllr Honeywood.

6. Assessment

The main planning considerations are:

- Site Context
- Proposal
- Principle/Policy Considerations

Site Context and Background

- 6.1 The application site is located on the eastern side of Wellesley Road within the settlement boundary of Clacton-on-Sea. The application property is a detached two-storey dwelling with accommodation over 3 floors. The dwelling is finished in a white render with clay tiles to the roof. To the rear of the site is a sizable rear garden area. To the site frontage is a concreted forecourt with parking for 2 vehicles.
- 6.2 The application site is located in close proximity to a bus stop on Wellesley Road and is 350m to the north of Clacton-on-Sea Railway Station. Clacton-on-Sea Town Centre is located approximately 760m to the south.
- 6.3 The property has been the subject of two previous planning applications to convert to self-contained flats. The earlier application was approved but never implemented. Consequently, the lawful use of the building is that of a C3 – Dwellinghouse.
- 6.4 Internally the property has recently been refurbished and sub-divided into 6 single occupancy rooms with a communal kitchen/washing area at first floor level. The building is currently vacant awaiting the outcome of this planning application.

Proposal

- 6.5 This application proposes the change of use of the property into a 6 bedroom house in multiple occupation. The accommodation is split as follows;
- 3 bedrooms at ground floor;
 - 2 bedrooms and a communal kitchen/washing area at first floor; and
 - 1 bedroom within the roof space at second floor level.
- 6.6 Access to the rear garden area for all rooms can be achieved via a gated side passage. Rooms 2 and 3 also have private access.
- 6.7 The applicants have confirmed that the rooms would be occupied by a single person only resulting in maximum of 6 people residing within the building at any one time.
- 6.8 The use of a building by six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation) and such a change of use from a single dwelling would not normally require planning permission. However, the Council has adopted a district wide Article 4 Direction which restricts residential dwellings being converted from residential to a house in multiple of occupation without first obtaining planning permission. The Article 4 Direction does not mean that HMOs are unacceptable in principle. They fall to be considered on their merits against the relevant planning policies.

Principle of Development/Policy Considerations

- 6.9 The National Planning Policy Framework (NPPF) states that housing application 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.

- 6.10 Given the current shortage of affordable homes in the district, houses in multiple occupation play a key role in providing short term accommodation for sections of society, which the NPPF is supportive of.
- 6.11 The most relevant planning policy to this proposal is saved policy HG10 of the Tendring District Local Plan (2007) which concerns the conversion of buildings into flats/bedsits. This is a criteria based policy and below the merits of each criterion is assessed.
- 6.12 (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 130sqm in size. Furthermore, the sizes of the bedrooms range from 16.4sqm to 23.6sqm, which is relatively large for a HMO. As such this criterion is met.

- 6.13 (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 Wellesley Road does not contain solely single family dwellings. The road contains a number of existing HMOs, retail outlets and a social club. Furthermore, several of the properties have been converted into flats. Consequently, the conversion of the property to a HMO would not be out of character in this location on the edge of Clacton Town Centre.

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

- 6.15 (iv) – the external appearance as a dwelling house would be maintained and any proposed extension works would not materially harm the character or appearance of the building or locality or the amenity of residents.

Due to no external changes taking place to the building, the impact of the proposals upon the character and appearance of the locality would be minimal. In terms of local resident's amenity, due to the detached nature of the building and the fact the proposal would not be significantly different to a standard house to house relationship, given that only 6 residents would reside in the building, the impact upon local residents in respect noise/disturbance would be minimal. In this respect, the Council's Environmental Health Department have no objections.

- 6.16 (v) – highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access.

As stated above, no external changes are proposed to the building or its frontage. The concreted frontage would remain as existing providing parking for two vehicles. With regard to car parking, the site can provide parking for 2 vehicles to its frontage. In view of the proposal being for 6 rooms, Essex County Council Highways have objected to the development due to perceived a shortfall in parking provision. Given that occupiers of HMOs tend to have very low levels of car ownership and the fact that the site is in close proximity to the town centre, local shopping facilities and main transport routes this provision is considered to be acceptable. It is felt that the location of the site; so close to the town centre and associated public transport links, offers the opportunity for occupation by householders without cars. This stance is consistent with appeal decisions relating to HMOs where inspectors have allowed car free development in areas close to local facilities. On-street parking is also available on the opposite side of Wellesley Road. Details of secure bicycle storage will also be sought via condition to promote the use of sustainable forms of transport.

- 6.17 (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 rear amenity space in this measures approximately 125sqm in size and is useable and private in nature. Given that the threshold for a dwelling of 3 bedrooms and more is 100sqm, the total provided in this instance is considered to be acceptable and would provide residents with sufficient space for drying clothes and recreation.

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

Given that the building is detached in nature and the rooms provided are spacious and well lit, it is considered that proposed residents would occupy the premises in a way which would not impinge upon local resident's amenity. The applicants (Stef & Philips Ltd) are experienced in providing HMOs and adhere to a strict code of conduct/practice for residents. Each new resident is provided with a welcome pack listing do's and don'ts whilst living at the property and warning procedures about disturbance and nuisance. Occupants are also required to sign a waiver upon entering tenancy explaining that they are aware of their social responsibility and if persistence anti-social behaviour takes place eviction will follow. Neighbouring residents are also provided with a 24 hour contact number for the management company so as to allow for reporting of any issues arising from the property. A condition will be attached to the permission securing accordance with the applicant's management plan at all times.

- 6.19 The development is considered to meet the criteria set out in saved policy HG10. The 6 bedrooms and the communal kitchen space provided meet the minimum standards set out in the Essex County Council HMO guidelines and have been furnished to a good standard. The applicants are experienced in operating HMOs and work to a robust management plan which would assist in ensuring the amenities of local residents is maintained.

Background Papers

None.