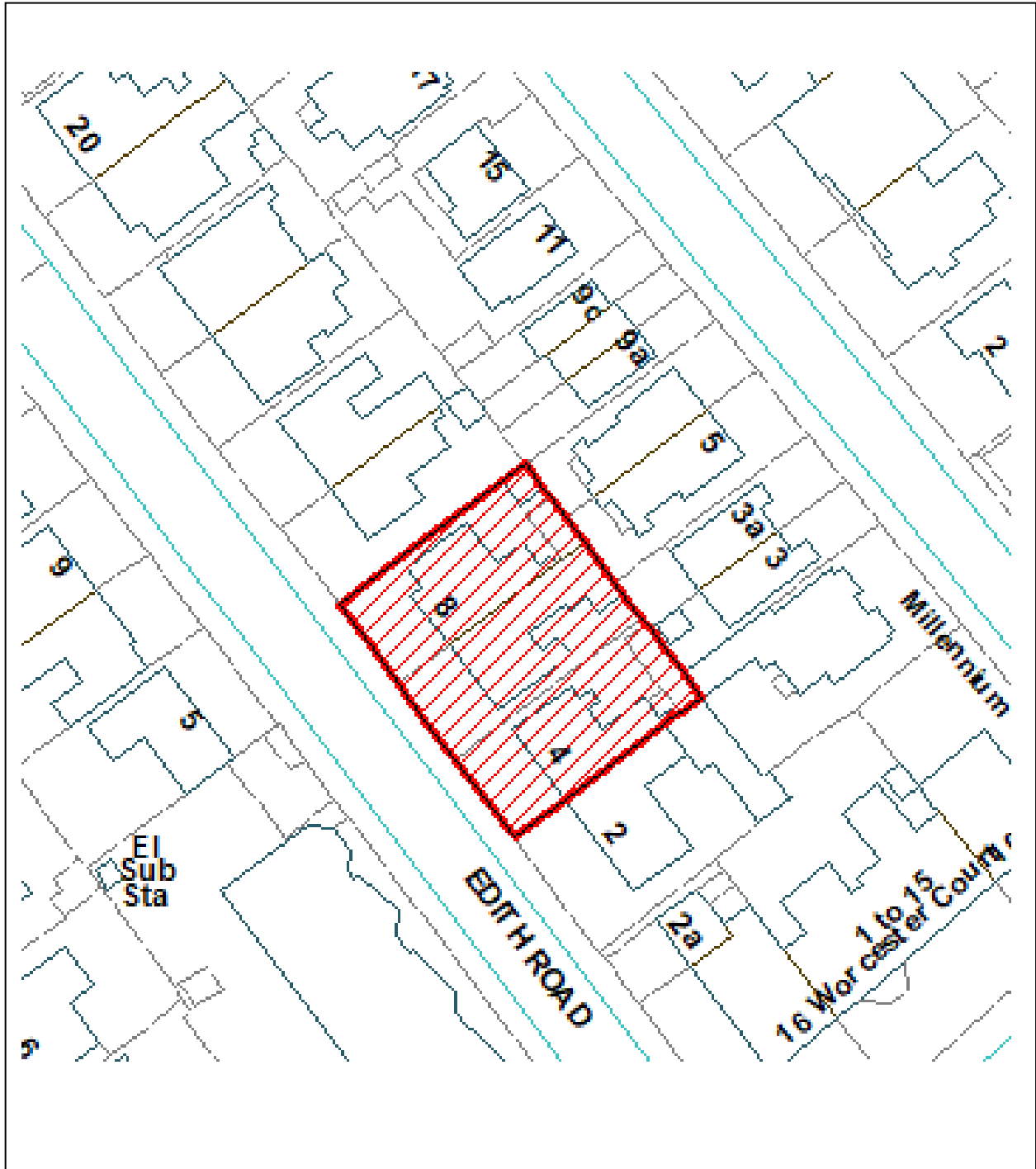


PLANNING COMMITTEE

26th October 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 21/01104/FUL – 4 - 8 EDITH ROAD CLACTON ON SEA CO15 1JU



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Application: 21/01104/FUL

Town / Parish: Clacton Non Parished

Applicant: Issam Property Limited

Address: 4 - 8 Edith Road Clacton On Sea CO15 1JU

Development: Proposed change of use to a sui generis for 34 supported living units, including infill extension and other minor external alterations - Revised plans received 23/09/2021.

1. **Executive Summary**

- 1.1 The application is before Members at the request of the Assistant Director of Planning and because there are minor conflict with policies and guidance relating to what is expected on standards for residential accommodation.
- 1.2 The application site is known as Nos. 4, 6 and 8 Edith Road and is located on the east side of Edith Road (Clacton on Sea) and close to the junction with Marine Parade. The site lies within the Settlement Development Boundary of Clacton on Sea 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 immediately vicinity is predominantly residential in character and a mixture of residential development comprising two, three and four storey semi-detached, terrace dwellings, the occasional detached dwelling and apartment blocks surround the site.
- 1.3 The development proposal consists of a change of use to a sui generis for 34 supported living units, including infill extension and other external alterations.
- 1.4 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 of Clacton on Sea and within easy walking distance of a local convenience store, a café, the beach and other amenities. There are a bus stops along Marine Parade West providing regular services to Walton, Frinton, Colchester and indeed other urban centres with ample services and job opportunities. The site is within walking distance of Clacton Overland Railway station providing excellent links to London and other larger English Cities.
- 1.5 The existing and authorised uses on site are a combination of low budget guest houses/hotel, a hostel for the homeless, and some lawful self-contained flats. Collectively and having regard to the existing authorised uses, the site consisting of nos. 4, 6 and 8 Edith Road can provide either low budget guest houses/hotel, or accommodation in the form of a hostel for the homeless, or accommodation in the form of 5 self-contained flats for up to 36 unrelated people or groups of people/families equating to up to 36 individuals.
- 1.6 The principle of supported living units being provided in sustainable urban centres close to shops, services, open spaces and other amenities is supported in both local (emerging and adopted) policies as well as in the NPPF. The proposal will homogenise a current incompatible series of residential land uses (low budget guest houses/hotel, a hostel for the homeless, and some lawful self-contained flats), and will bring forward functional and appropriate temporary accommodation for at risk people and the vulnerable, which will be, subject to conditions, well managed and in a suitable and sustainable location.
- 1.7 Having regard to the operational fallback position the proposal is considered to be acceptable from a residential amenity perspective (subject to conditions). The scheme will result in

significant improvements to the buildings and the wider streetscene and there are no highways safety or parking implications, and subject to conditions, the development will result in no net loss in biodiversity

- 1.8 For these summarised reasons, the application is therefore recommended for approval subject to conditions.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- 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 2021

Technical Housing Standards - Nationally Prescribed Space Standards – March 2015

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
HG10	Conversion to Flats and Bedsits
HG14	Side Isolation
QL11	Environmental Impacts and Compatibility of Uses (part superseded)
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 (the 2013-33 Local Plan)

Section 1 (adopted):

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Section 2 (emerging):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design

HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP3	Housing Density Standards
LP4	Housing Layout
LP5	Affordable Housing
LP11	HMO and Bedsits
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
PPL9	Listed Buildings
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex County Council Development Management Policies 2011 (the Highways SPD)

Essex County Council Parking Standards Design and Good Practice Guide 2009 (the Parking SPD)

Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Tendring Landscape Character Assessment 2001

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan,

superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

3. Relevant Planning History

No. 4 Edith Road

01/01858/FUL	Continued use as guest house with owners flat	Approved	20.12.2001
91/01182/FUL	Retention of reconstructed outbuilding for use as office/workshop/store.	Approved	26.11.1991
04/01534/FUL	Change of use of owners accommodation to guest rooms.	Approved	09.11.2004
21/30145/PREAPP	Proposed extensions and conversion of Nos 4, 6 and 8 Edith Road into 34 self contained studio flats for single occupancy to provide accommodation for homeless.	Support in principle but raised concerns in a number of areas	28.04.2021
21/01104/FUL	Proposed change of use to a sui generis for 34 supported living units, including infill extension and other minor external alterations (proposal constitutes a departure from the Development Plan) (Revised plans received 23/09/2021)	Current	

No. 6 Edith Road

19/30073/PREAPP	Change of use to a 15 room HMO.	Refused	14.06.2019
21/01104/FUL	Proposed change of use to a sui generis for 34 supported living units,	Current	

	including infill extension and other minor external alterations (proposal constitutes a departure from the Development Plan) (Revised plans received 23/09/2021)		
21/30145/PREAPP	Proposed extensions and conversion of Nos 4, 6 and 8 Edith Road into 34 self contained studio flats for single occupancy to provide accommodation for homeless.	Support in principle but raised concerns in a number of areas	28.04.2021
No. 8 Edith Road 00/01846/FUL	Change of use from guest house to private dwelling	Approved	13.12.2000
91/01037/FUL	Conversion of garage to W.C. and storage area.	Approved	14.10.1991
93/00786/FUL	Use of lounge as office for computer related mail order business	Approved	21.09.1993
95/00711/FUL	Use of lounge as office for computer related mail order business (renewal of planning permission TEN/93/0786)	Approved	25.07.1995
05/01485/FUL	Change of use from residential dwelling to mixed use Homeless Hostel and Guesthouse	Approved	06.03.2006
21/30145/PREAPP	Proposed extensions and conversion of Nos 4, 6 and 8 Edith Road into 34 self contained studio flats for single occupancy to provide accommodation for homeless.	Support in principle but raised concerns in a number of areas	28.04.2021
21/01104/FUL	Proposed change of use to a sui generis for 34 supported living units, including infill extension and other minor external alterations (proposal constitutes a departure from the Development Plan) (Revised plans received 23/09/2021)	Current	
Relevant to Nos. 4, 6 and 8 Edith Road 21/01104/FUL	Proposed change of use to a sui generis for 34 supported living units, including infill extension and other minor external alterations (proposal	Current	

constitutes a departure from the Development Plan) (Revised plans received 23/09/2021)

21/30145/PREAPP	Proposed extensions and conversion of Nos 4, 6 and 8 Edith Road into 34 self contained studio flats for single occupancy to provide accommodation for homeless.	Support in principle but raised concerns in a number of areas	28.04.2021
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Relevant Planning Enforcement and Appeal History:

- 3.1 In 2016 and early 2017 a total of 4 enforcement appeals were considered and determined by a Planning Inspector – these appeal decisions are attached as Appendix 1 to this report.
- 3.2 No. 4 Edith Road: The enforcement appeals relevant to No. 4 (referred to as Appeals A and B in Appendix 1) relate to *'the creation, (as an unauthorised material change), of a mixed use of a hostel for assisted living, a house in multiple occupation, together with associated rooms and units used as self-contained flats'*.
- 3.3 The Inspector considered extensive evidence as part of the appeal and concluded that an unauthorised change of use from what appear to be a previous hotel/guest house (as frequently referred to by LPA officers as the former use in the enforcement report dated 26 April 2016) to an HMO took place in parts of the building known as No. 4 at some point in 2009. Both appeals, were dismissed in 2017, because the Appellant failed to prove on the balance of probability that the unauthorised HMO use had been in operation for more than 10 years to become immune from enforcement action, and the enforcement notice was upheld. However, importantly the Inspector directed amendments (to the enforcement notice) and ultimately the requirements of the final enforcement notice were to:
- 3.4 'Cease the unauthorised material change of use of those parts of the premises in use solely as a house of multiple occupation (i.e. all rooms and units except 401, 404, 413 and 4A as shown on plans considered as part of that appeal (Officer comment: *the units are judged by the Inspector to be separate self contained flats immune from enforcement action due to the 4 year rule – see paragraph 37 of Appendix 1).*
- 3.5 No. 6 Edith Road: The enforcement appeals (referred to as Appeals C and D in Appendix 1) relevant to No. 6 relate to *'the creation, (as an unauthorised material change,) of a mixed use of a hostel for assisted living, house in multiple occupation together with an associated unit used as a self-contained flat'*.
- 3.6 Again the Inspector considered extensive evidence as part of the appeal and concluded that because the Appellant did not challenge the LPA's position that parts of No. 6 had been in use as a hostel for assisted living, this use (hostel for assisted living) must have commenced somewhere in 2009 but ceased in the build up to 2017, so the Inspector's decision is that the 'hotel for assisted living' element had not been in existence for 10 or more years to be immune from enforcement action. For the same reason as in Appeals A and B above, the Inspector found that the unauthorised HMO use in parts of No. 6 had also not been in existence for 10 or more years to be immune from enforcement action. Subsequently these two appeals (C and D) were also dismissed in 2017. Once again, the Inspector directed amendments (to the enforcement notice) and ultimately the requirements of the final enforcement notice were to:
- 3.7 'Cease the unauthorised material change of use of those parts of the premises in use solely as a hostel for assisted living and house of multiple occupation (i.e. all units except unit 6A)'.
Officer comment: *Again the Inspector found that a unit known as No. 6A (part of but to the rear*

of No. 6) to be a separate self contained flat immune from enforcement action due to 4 year rule – see paragraph 37 of Appendix 1

Summary of Planning History, Enforcement and Enforcement Appeal outcome for Nos. 4, 6 and 8 Edith Road:

- 3.8 No. 4 Edith Road - with the exception of the 4 lawful flats, an Inspector directed in 2017 for the then operators to cease the unauthorised HMO use and revert back to a guest house/hotel. Regardless of whether this direction was carried out, having regard to the existing and previous floorplans, as a lawful operational fall-back position **up to 13 people** is capable of being accommodated in No. 4 Edith Road in the 4 self- contained flats or as part of a stay in a low budget guest house/hotel.
- 3.9 No. 6 Edith Road - with the exception of the 1 lawful flat, an Inspector directed in 2017 for the then operators to cease the unauthorised material change of use of those parts of the premises in use solely as a hostel for assisted living and house of multiple occupation and revert back to a guest house/hotel. Regardless of whether this direction was carried out, having regard to the existing and previous floorplans, as a lawful operational fall-back position **up to 13 people** could reside in No. 6 Edith Road in 1 bed self-contained flats or as part of a stay in a low budget guest house/hotel
- 3.10 No. 8 Edith Road has planning permission for a change of use from residential dwelling to mixed use Homeless Hostel and Guesthouse and having regard to the existing and previous floorplans, **up to 10 people** can reside in No. 8 Edith Road in the form of a mixed Homeless Hostel and Guesthouse
- 3.11 Therefore across the 3 properties known as Nos. 4, 6 and 8 Edith Road **up to 36 individuals or groups totalling 36 people** can reside in these properties (which collectively form the application site the subject of this application) in a convoluted mixture of low budget guest house/hotel accommodation, homeless hostel and guest house and self-contained flats.

4. Consultations

TDC UU Open Spaces
08.09.2021

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

Recommendation

No contribution is being requested on this occasion.

ECC Highways Dept

Comments dated 11 Oct 2021: ECC Highways raise no objection to the proposal subject to the following mitigation and conditions:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated in the supporting information, Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres (at approximately right angles to the road).

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. Prior to occupation of the development, any new vehicular access shall be constructed 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 3.6 metres (3 metres minimum – 6 metres maximum), shall be retained at that width for 5 metres within the site and shall be provided with 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.

5. There shall be no discharge of surface water onto the Highway.

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.

6. 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.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

**SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT**

3: It is noted that there is an existing limited waiting restriction located partly on Edith Road and across the proposed frontage of the development; this may need to be revoked and/or reduced in length at the applicant's expense to accommodate the off-street parking for the development and to ensure that all vehicular traffic using the accesses may do so in a controlled manner and without obstruction prior to occupation.

TDC Housing

Statement in support of the application by the Housing Solutions and Allocations Manager who commented as follows:

Over the last two years, and particularly during the Covid pandemic, we've seen an increase in approaches from

single people and a greater need for self-contained and supported accommodation.

The statistics (provided to TDC Planning) show the number of approaches from single people and of those single people how many had other support needs. It is clear that the demand for supported housing far outweighs what we have access to.

We've worked closely with Circle Housing for a number of years and have referred vulnerable people to their supported housing projects in both Clacton and Harwich. They've supported the most vulnerable in our community to live independently, sustain tenancies and move on into more settled accommodation. We are in the process of arranging a more formal move on agreement with them.

The provision of this accommodation will go a long way in helping us to meet our statutory duties.

TDC Tree & Landscape Officer
18.08.2021

No trees or other significant vegetation will be adversely affected by the development proposal.

Whilst there appears to be limited opportunity for new soft landscaping the site and the surrounding area would benefit from the introduction of new planting on the application site.

Therefore consideration should be given to soft landscaping the front gardens to maximise the limited soft landscaping opportunities for the benefit that it would bring to the public realm

TDC Building Control and Access
Officer
23.08.2021

These are effectively flats, and the means of escape should be designed accordingly.

Officer comment: The Applicants agent confirmed in writing that the project draughtsman (who prepared the drawings) is satisfied that the proposed building design complies with the up to date fire/building regulations, but in any event he is arranging a meeting to discuss with local authority building control partnership to confirm this position. The proposal including the layout will be subject to compliance with up to date building regulations and fire safety regulations, which falls under separate legislation to planning.

Arch. Liaison Off, Essex Police

No response received.

5. **Representations**

5.1 In the region of 18 objections received, these letters are in response to the application as originally submitted as well as in response to re-consultation on the additional information. The concerns raised can be summarised as follows (officer response in italics);

Unsustainable location.

- Lack of amenities and employment opportunities.
The site lies within the Clacton on Sea Settlement Development Boundary and has therefore previously been considered an acceptable location for residential development.
- Will devalue property prices.
This is not a material planning consideration.
- Examples of anti-social behaviour from the previous unauthorised uses and likely to result from proposal, non-compliance with enforcement notices etc.
Each case should be assessed on its individual planning merits. The previous operator/owner's compliance/non-compliance with enforcement notices should have no bearing on this assessment and ultimate decision. The proposal should be assessed in accordance with the Town and Country Planning Act 1990 (section 70(2)) – ie having regard to the provisions of the Development Plan and any other material planning considerations
- Was previously poorly run hotel/guest house/HMO, some previous residents guilty of anti-social behaviour etc
Historic actions/inactions of former operators not a material planning consideration especially if unauthorised changes of use occurred. Although anti-social behaviour is a matter for the police to deal with this proposal should be assess on its merits and what is put forward in terms of site management.
- Highway safety and parking concerns.
Covered in the relevant section below
- Impact on residential amenity
Covered in the relevant section below
- Properties should revert back to hotel/guest houses
The application as submitted and in front of the LPA is for a change of use to a sui generis for 34 supported living units, including infill extension and other minor external alterations. The LPA is duty bound to assess the application proposal as submitted having regard to the provisions of the development plan and any other material planning considerations (all covered below)

6. **Assessment**

6.1 The main planning considerations are:

- Background;
- 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

6.2 As outlined in section 3 above, the application site has a long and complex planning and enforcement history, however in summary (from a land use/planning perspective) the operational and lawful fall-back position is one of a convoluted mixture of low budget guest house/hotel accommodation, homeless hostel and guest house and 5 self-contained flats. In addition, having regard to existing and previous floorplans/layout plans, as an operational fall-back position (and it is acknowledged that this fall-back position is perhaps not a realistic one due to the convoluted mix of residential uses lawfully present on site), but nevertheless up to around 36 individuals or groups totalling 36 people can reside in these properties, either as clients of low budget guest house/hotel accommodation, tenants of homeless hostel accommodation, or tenants/owners of the 5 lawful self-contained flats.

Site Context

- 6.3 The application site is in the heart of Clacton-on-Sea, located on the east side of Edith Road (towards its southern end close to Marine Parade West, the seafront and the grade II listed gardens). The site consists of 3 x three storey properties known as Nos. 4, 6 and 8 Edith Road. To the front of each property there is a vehicular access point (and separate pedestrian access point) with hardstanding. Along the rear the properties benefit from small courtyards/garden areas. Each building (nos. 4, 6 and 8) has its own ground floor access point along the front providing internal access (via a collection of dated staircases) to a collection of single and double rooms, some with en-suite bathrooms, separate bathrooms, shower-rooms and shared facilities. Nos. 4 and 6 Edith Road have access points to the rear providing access to self-contained flats (lawfully authorised through appeal decisions attached as Appendix 1). The external facades of the buildings are in a poor state and in need of repair and modernisation. All internal spaces in all three buildings are severely depleted, neglected and in a very poor state. The buildings are currently vacant and as stated above were previously used as a mixture of individual flats, low budget guest houses/hotels, authorised and un-authorised homeless hostel accommodation and also an unauthorised larger house in multiple occupation (HMOs).
- 6.4 Edith Road consists of a mixture of flatted development, and two and three storey semi-detached dwellings, some have been converted into bed and breakfast facilities/guest houses, or hotels (indeed some appear to have been in use as hotels/guest houses for a considerable time, others are still in use are single dwellings. It is possible that some of the other properties on Edith Road (not forming part of the application site) are in use as unauthorised HMOs however this could not be verified and in any event should not have a bearing on this assessment or decision as the proposal will be assessed on its individual planning merits having regard to the Development Plan and all other material planning considerations.
- 6.5 The character of Edith Road and surrounding roads, including Beatrice Road and Jackson Road to the north, are residential. The application site is not in a Conservation Area, neither are any of the buildings on the site locally or statutorily listed, however the Clacton Seafront Conservation Area is nearby (the southernmost tip of Edith Road is included in the above mentioned Conservation Area). There are also no listed buildings in close proximity to the application site, the nearest listed building being the Clacton-on-Sea War Memorial opposite the Pier (much further to the east of the Edith Road). The seafront gardens themselves are also listed as Grade II and runs along Kings Promenade and Marine Parade West from Tower Road (to the west) all the way to the Pier and the War Memorial to the east.
- 6.6 The application site is in a very sustainable location close to a significant number of shops, services (along the seafront and further inland along the High Street and surrounding roads),

potential job opportunities (being in larger urban centre) and public transport options with bus stops and Clacton Overland station all within walking distance from the site.

The Proposal

- 6.7 Planning permission is sought for a change of use of all the buildings on site (i.e. Nos. 4, 6 and 8 Edith Road) to a sui generis use for 34 supported living units, including infill extension and other minor external alterations.
- 6.8 In terms of the 34 supported living units, these will take the form of either studios or 1-bed/sitting apartments. There will be three distinct ground floor communal access points in the ground floor front elevation of Nos. 4, 6 and 8 respectively. Some of the proposed studios/bed/sitting apartments on ground floor will have their own individual access points in the side elevations of buildings, or those to the rear also have individual access points. The building known as No. 4 Edith Road will contain 13 supported living units including all the landing areas and corridors. No. 6 Edith Road will accommodate 11 supported living units as well as the site office (to the front on ground floor) and No. 8 Edith Road will accommodate 10 supported living units making up the total of 34 supported living units. There will be a separate refuse store to the front (of No. 8) to serve the entire facility. Each supported living unit will be fully self-contained with its own kitchen area (or in the case of studios a living/sleeping area). Each unit will have at least one decent sized window serving the habitable area(s). The vast majority of units (33 in total) will have two or more windows. In other words, only one studio (proposed flat No. 11) will have one window – in the case of flat No. 11 this is a large window in the rearward facing elevation.
- 6.9 In terms of the tenure type (supported living units), the applicant has explained that prospective tenants suitability for occupation of the premises will be considered (presumably on a case by case basis) and where tenants have additional restrictions incorporated into their tenancy and support agreements, for example preventing amongst other requirements, the use of illegal substances on the premises and where, as part of their occupancy, they then must take part in supported living tuition/support with one to one support learning often on a daily basis, but at least once a week. The benefits of this one to one support is given with the aim of developing an independent life style for tenants as they progress towards independent living accommodation elsewhere. Another example of a prospective tenant of the proposed supported living units proposed could be somebody fleeing domestic abuse/violence where they are forced to leave their home for safety reasons. They may occupy the proposed units for a short time whilst they gather themselves together and save for a deposit for a private rental unit, and or whilst the domestic affairs are settled. A house manager would be present on site on a daily basis, managing tenants, enforcing house rules and rules of the support agreements that the tenants have signed up to. Work is also carried out with the local authority and other agencies. The remainder of the characteristics of the proposed supported living units and how these will function are outlined in detail in paragraphs 3.1 – 3.12 of the Fisher Jones Greenwood Planning Statement publically available on the Councils Planning pages of the TDC website.
- 6.10 Externally to the front of Nos. 4, 6 and 8 the hardstanding areas will be retained to serve as car parking areas (four no. car parking spaces are proposed). Externally to the rear some breakout areas/garden areas with secure bicycle storage areas are proposed.
- 6.11 Significant external and internal cosmetic improvements and refurbishment works are proposed. Specifically in terms of external improvement works it is proposed to repair and repaint all rendered and brick areas, all soffits, fascias and gutters, drainpipes to be replaced, all timber and upvc windows to be replaced with new upvc windows. All decorative woodwork features are to be repaired and painted, all existing front doors to be replaced with new ones, the front parking areas to be replaced with new block paving, and new fence, wall and gate to replace damaged front wall areas. A new infill extension is also proposed between Nos. 4 and

6 to include a ground and first floor extension, slightly set back from the front and significantly set back from directly adjacent elevations along the rear. Internally new staircases and a significantly altered layout (compared to current situation) is proposed.

Principle of Development

- 6.12 The National Planning Policy Framework 2021 (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 also states 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.
- 6.13 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 and any approved Neighbourhood Plans.
- 6.14 The proposal is for a change of use to create 34 supported living units (in the sui generis use class – meaning it is a land use that does not fall within any particular use class), however supported living units is nevertheless a form of residential accommodation. The site lies within the Settlement Development Boundary of Clacton 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), and in light of the fact that supported living units is a form of residential, the overarching spatial policies as outlined above supports residential development within settlement boundaries, subjected to relevant detailed considerations (covered below).

Appearance, Design, Scale

- 6.15 The NPPF states that development proposals 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. Adopted policy SP7 and saved Policy 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.
- 6.16 The proposals include an extension in the form of a ground and first floor infill extension between Nos. 4 and 6 Edith Road to create additional space at first floor level where 2 new units (apartments 18 and 19 as annotated on the proposed first floor plan) will be located. As outlined above various other minor external alterations are proposed (to facilitate the conversion scheme) and include things like replacement or alterations of existing windows or window openings (either making slightly smaller or slightly larger), as well as blocking up of existing doors and rendered over to match existing buildings. No new window openings are proposed other than the new windows proposed in the first floor front and rear elevation of the infill extension.
- 6.17 In terms of the new infill extension, along the front the extension will be set back from the main front elevations on both sides by approximately 200mm (0.2m), striking an appropriate balance between subordination and the requirement for sufficient space inside units 18 and 19 (latter

issue covered below). Along the rear the infill extension will appear as a subordinate and appropriate addition having regard to the fact that Nos. 4, 6 and 8 have rearward projections projecting significantly beyond the rear elevation of the new infill extension. The infill extension will have a pitched roof finished in pantile rooftiles, and this, together with the other alterations outlined above will result in appropriate extensions and alterations to the buildings in accordance with the relevant design policies quoted above.

- 6.18 Three new bicycle storage shelters (to accommodate 12 bikes each) are proposed in the rear courtyard areas of Nos. 4, 6 and 8 Edith Road and will consist of a galvanised steel frame with a curved sheet roof and galvanised steel bicycle racks. A new bin store is proposed to accommodate 3 x 1100 litre wheelie bins in a neat galvanised steel frame clad with recycled and purposely designed plastic cladding panels to give the enclosure a brownish timber effect. These structures are considered to be acceptable in terms of their appearance and will provide a functional and aesthetically acceptable solution to cycle storage provision.

Layout, Standard of Accommodation including housing size and mix and private amenity space

- 6.19 The application proposes a total of 34 supported living units. The units will be spread over four floors (ground, first, lower second and upper second floors) and each unit will be fully self-contained with either a kitchen or kitchen/living area, a separate shower room with toilet and hand basin, and a bedroom or bed/sitting area.

Sub-heading: Unit sizes/Floor Space Standards/Private amenity space

- 6.20 The Applicant has made clear in their supporting statement that each apartment comprises a single person unit. The starting point for assessing unit sizes is the Development Plan insofar as relevant to the application. Adopted policies HG6 and HG10 (of the Local Plan 2007) and emerging policy LP3 are also relevant, considerable weight is afforded to emerging policy LP3. These policies state (summarised): To reflect the identified needs of the local community and to create diversity in design terms, an appropriate mix of dwelling sizes and type will be sought in housing developments of 10 or more dwellings or residential sites of 0.3 hectare or more, taking into account local circumstances and site characteristics (HG6), and policy HG10 states subdivision into flats will be permitted subject to compliance with 7 sub criteria. Emerging policy LP3 states new residential and mixed-use development (including conversions) shall have regard to factors such as the national minimum internal floor space standards. The Technical housing standards – nationally described space standard (THS) March 2015 is therefore a material planning consideration in the assessment of this planning application. With this in mind the minimum gross internal floor area requirement for a 1 person, 1 bedroom unit is 37 sqm where a shower room (instead of a bathroom) is proposed. Having regard to the 'Accommodation Schedule' submitted with the application and the proposed layout plans, it is clear that all the units proposed will fall short of the floor space requirement for such units as set out in the THS March 2015 (the largest unit is Unit 9 at 32.8 sqm). There is minor conflict with the THS March 2015, however there is tension between the THS and the TDC emerging policy LP 11 which allows for bedsits with a minimum floor area of 16 square metres. The 34 supported living unit scheme also relies on balconies on first floor level only to provide exclusive external amenity space for two units, and small external areas to the side and rear of the buildings. The proposal is therefore clearly in conflict with policies HG7 and HG9 and emerging policies SPL3 and LP11.
- 6.21 In accordance with the Town and Country Planning Act 1990 (section 70(2)) (and because of the policy conflict and minor conflict with the THS identified above), the assessment now turns to other material planning considerations:

Sub-heading: Other Material Considerations (unit sizes/floor space standards)

- a) The Planning Practice Guidance states that where a need for internal space standards is identified local authorities should take account of need (based on evidence on the size and type of dwellings currently being built), and the impact of viability of imposing the standards. The Applicant and the Council's own Housing Team have clearly demonstrated the demonstrable need for supported living units. In addition, it will undoubtedly be the case that a straightforward insistence on complying with the THS will have an impact on the viability of this scheme. In any event, there is tension between the THS and emerging policy LP 11 insofar as floorspace standards for bedsits is concerned. Emerging policy LP 11 is well advanced and considerable weight is attached to this policy.
- b) 'Sui Generis' (meaning it's a land use falling in its own category) supported living units are proposed. The proposal is in response to a very specific and acute housing need as set out in this report. Moreover, the Council Housing team have commented and explained that "... *in these units and clearly the intention is not for these units to become the permanent residence for these individuals.*" Having regard to the above, and should planning permission be granted, it is considered necessary and reasonable to condition the planning permission to ensure the units remain in perpetuity as Sui-Generis Supported living units because the Applicant has put forward the proposal on this basis and the application, insofar as need is considered, has been assessed on this basis.
- c) Supporting text to adopted policy HG6 (paragraph 4.69) acknowledged that sheltered or supported housing may by necessity contain a preponderance of one dwelling type.
- d) At this stage of the assessment there is no clear conflict with key Development Plan policies HG6 and HG10 insofar as unit sizes is concerned
- e) Due regard is given to the temporary nature of the tenure type (supported living units – they are never intended for permanent or long term occupancy).
- f) In terms of the provision of external amenity space and the policy conflict identified above, the site is within a very short walk of Clacton Seafront with its Pier, beautiful listed gardens, large expanses of white sandy beaches and other parks and amenity areas. Having regard to the proposed tenure type (supported living), the intention is not to encourage residents to spend time outside within the confines of the site, and the reality is that prospective occupiers will much rather spend time in the nearby high quality open spaces that Clacton on Sea has to offer.

6.22 In terms of the Housing Mix, only bedsits and one bedroom units are proposed, all for single person occupancy. The proposed housing mix is such because the scheme is clearly aiming to address a specific need. In addition, currently across Nos. 4, 6 and 8 Edith Road up to 36 unrelated people can occupy the mismatch and mixture of self-contained flats, low budget guesthouse / hotel bedrooms or homeless hostel accommodation in any event. Having regard to the above, the proposal, insofar as the housing mix is concerned, will not be in conflict with key policy HG6 because the policy allows decision makers to take into account local circumstances and site characteristics, including realistic fall back positions.

Highway Safety/Parking

6.23 Relevant Paragraphs in the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Relevant saved policies in 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.

- 6.24 In terms of parking, Essex County Council Parking Standards (ECCPS) - Design and Good Practice September 2009, set out the minimum parking requirements for different types of development. 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 for this type of use.
- 6.25 Vehicular access and pedestrian access off the highway/pavement will remain unchanged with safe and convenient access via dropped kerbs/separate pedestrian access points off Edith Road. To the front of Nos. 4, 6 and 8 Edith Road are hardstanding areas capable of providing off street parking for up to at least 4 vehicles to meet the needs for the limited number of employees this facility will generate, as well as occasional deliveries requiring off street parking or other visitors. In terms of parking for future residential occupiers, the ECCPS has no specific resident parking requirements for this type of use and each case should be assessed on its individual merits. Due to the nature of the proposed use (assisted/supported living) would mean that occupiers would not have access to a car. This position is backed up TDC Housing and ECC Highways who raise no objection the proposal as a whole. In addition, individuals referred to this facility will be clearly informed of this position that there is no parking available for the use of private cars. Insofar as car parking provision is concerned there is no conflict with any of the adopted or emerging policies on car parking, or indeed the ECCPS. In any event, a full range of facilities are located only a short walk away from the application site, where transport to travel beyond exists. Occupiers would be able to walk and cycle, with other transport choices available after a short walk away from the application site.
- 6.26 In terms of cycle parking, a total of 34 secure and convenient spaces are proposed to the rear of the building in the courtyards of Nos. 4, 6 and 8 respectively. This provision will offer one space per unit and is considered to be more than sufficient for the nature of the proposed use, and will encourage sustainable means of transport in accordance with the NPPF 2021, adopted and emerging policies, as well as the ECCPS.

Impact on Residential Amenity

- 6.27 Relevant paragraphs in the National Planning Policy Framework 2021 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.
- 6.28 As outlined in section 3, Nos. 4, 6 and 8 Edith Road as a collective could be occupied up by up to 36 individuals or groups / small families totalling up to 36 people in the form of a mixture of the uses already specified. The fact of the matter is that the current lawful mixture of residential use types (part low budget guest house, some self-contained flats and hostel for the homeless) are piecemeal and not complementary, for example guest house accommodation does not lend itself to work seamlessly directly adjacent to, or as part of a hostel for the homeless or indeed pepper potted self-contained flats for private occupancy. The proposal is to homogenise the use (sui generis supported living) and it is against this backdrop and very realistic fall-back position that impact on residential amenity should be assessed.
- 6.29 The proposal will provide 34 self-contained units to be offered as supported living units. This will mean a house manager would be present on site on a daily basis, managing tenants, enforcing house rules and rules of the support agreements that the tenants have signed up to. The operators of the site will also work in partnership with the local authority and other

agencies. In addition to the above, the Applicant has explained that CCTV is proposed, as utilised with other similar premises managed by the operator, to ensure that if any anti-social behaviour/breaches of agreements occurs this can be dealt with at the earliest opportunity to avoid any problems occurring or repetition of behavioural issues. The Applicant also explained that neighbours will be provided with a 24 hour on call 7 day a week contact number so that any issues arising can be dealt with immediately. The Applicant further explained that there will be an additional requirement for tenants to sign up to a support agreement before entering the premises to commence their short term stay, alongside the strict rules laid down by the provider ensures tight management of the units to promptly address any anti-social behaviour or noise issue at a very early stage. Ultimately, the primary function of the proposed facility is to work with the local authority to meet housing need for vulnerable and homeless people and to assist in meeting the significant and the growing need for homeless person accommodation in the TDC administrative area.

- 6.30 It is clear from the above that the Applicant is offering significant safeguards in an attempt to ensure the amenity of surrounding residents and those of future occupiers are safeguarded. For the LPA to give appropriate weight to these safeguards as outlined in the paragraph above, it is considered necessary, reasonable, relevant (to planning) and enforceable for a condition to be imposed should planning permission be granted requiring the Applicant or future operators to annually submit a precise and detailed Site Management Plan to include all the above safeguards (list not exhaustive) for the LPA to consider, review and determine on an annual basis. It is acknowledged that some of the proposed safeguards put forward may well fall under the licensing regime (a specific license will be required by the Operators from TDC licensing) however it is considered that as a whole, the proposed safeguards as put forward by the Applicant is relevant to planning, as without these the LPA cannot be sure that the proposal will not result in an unacceptable impact on residential amenity in respect of noise and general disturbance. Therefore, it is considered that a condition for an ongoing Site Management Plan is appropriate in this instance as these safeguards are clearly put forward by the Applicant in their Planning Statement and other supporting documents, and the only way the LPA can give weight to these safeguards is to ensure they are carried forward in perpetuity and for as long as the proposed tenure type shall exist, a tenure type which will also be conditioned to remain in perpetuity unless specific planning permission is obtained to change this arrangement. This, together with the Site Management Plan condition will ensure the sui generis use is carried out and managed in accordance with an annual site management plan, to remain up to date and enforceable as it will be reviewed and considered annually.
- 6.31 With these safeguards in place, and having regard to the lawful and operational fallback position - which is that up to 36 people can occupy these premises in any event - it is considered that the proposal will not result in any undue harm or unacceptable impact on residential amenity of existing and future surrounding occupiers by way of noise disturbance or the comings and goings of up to 34 individuals.
- 6.32 In terms of the proposed infill extension, it will neatly nestle in-between Nos. 4 and 6 and will, therefore have no impact whatsoever, on the daylight/sunlight or views of surrounding residents. The proposed refuse store will be located to the front of No. 8 Edith Road away from the northern boundary, will consist of a well-designed enclosure and regular refuse collections will occur to ensure this element of the scheme will not have a detrimental impact on the residential amenity of occupiers to the north.

Ecology and Biodiversity

- 6.33 The NPPF states that 'the planning system should contribute to, and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.' Relevant adopted and emerging policies reinforces this requirement and

require development proposals to take account of nature and wildlife conservation and seek to enhance biodiversity.

- 6.34 The existing site has low or no ecological or biodiversity value because the areas around the buildings are predominantly hardstandings with the exception a few small patches of un-kept 'bedding' areas to the front and to the rear. No specific biodiversity enhancement measures are proposed, and given the existing situation on site it would be unreasonable to specifically insist upon a preliminary ecological appraisal as the buildings was until recently occupied and it is therefore unlikely that the buildings would have provided habitat for any protected species. There appears to be limited opportunity for new soft landscaping on the site however the site and surrounding area would benefit significantly from the introduction of new planting. There is certainly scope on the site to incorporate soft landscaped areas as such it is considered necessary and reasonable to include a planning condition requiring details of hard and soft landscaping should planning permission be granted. Not only will this further improve the appearance of the building but it will also ensure there will be no nett loss in biodiversity on site, as such, with a condition the proposal is considered to be in accordance with the relevant policies and provisions in the NPPF.

Financial Contributions – Recreational Disturbance and Open Space

- 6.35 Under the Habitats Regulations, where necessary, a proportionate financial contribution will be secured in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development.
- 6.36 The 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 7 miles from the Hamford Water SAC, SPA and Ramsar.
- 6.37 In this instance, and having regard to the mixture of residential uses currently or previous on site, as well as the fact that up to 36 individuals or groups totalling up to 36 can occupy the buildings in any event, the proposal will result in a similar number of residents than currently or previously allowed within that combination of residential uses. Regard is also given to the temporary nature of the proposed tenure (supported living). Therefore, the number of visitors to the above-mentioned designated sites is likely to have a similar result and a proportionate financial contribution is not considered necessary or justified in this instance.
- 6.38 In terms of open space, again for the same reasons it is not considered to be justified to request a specific contribution towards open space, in any event, colleagues in Public Realm, Open Spaces and Play Team have confirmed no contribution is being requested on this occasion.

Other Matters – Engagement with the Head of Housing

- 6.39 Throughout the course of the application, officers have engaged extensively with the applicants to seek various additional pieces of information to allow for a better understanding of the use and how it will function. Officers have also engaged with the Head of Housing who has confirmed that there is a need for good quality, low cost accommodation in the District for vulnerable people and those at risk of homelessness.
- 6.40 TDC Housing have written in full support of the proposal and stated the provision of this accommodation will go a long way in helping us to meet our statutory duties.
- 6.41 The Councils Housing service will retain full control over the referral of potential occupiers and this will be dependent on an inspection of the finished, converted building and successful issue

of the relevant licence and further discussions with the owners about the support package on offer.

7. Conclusion

7.1 The principle of supported living units being provided in sustainable urban centres close to shops, services, open spaces and other amenities is supported in both local (emerging and adopted) policies as well as in the NPPF. The proposal will homogenise a current incompatible series of residential land uses (low budget guest house/hotels, self-contained flats and hostel for homeless people) and although there are minor conflict with policies and guidance relating to what is expected on standards for residential accommodation, having regard to the other material planning considerations outlined in section 6 of the report, the scheme will bring forward functional and appropriate supported living units for qualifying individuals. Having regard to the lawful operational fall-back position and conditions that will secure additional residential amenity safeguards, the proposal is considered to be acceptable from an amenity perspective. The scheme will result in significant improvements to the buildings and the wider streetscene, there are no highways safety or parking implications, and subject to conditions, the development will result in no net loss in biodiversity, accordingly the proposal is recommended for approval subject to conditions.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives as set out below:

8.2 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:

- 2020121/11
- 2020121/13 Rev B
- 2020121/24
- 2020121/25 Rev C
- 2020121/26 Rev A
- 2020121/27
- 2020121/28
- 2020121/29 Rev B
- 2020121/30 Rev A
- 2020121/31 Rev A
- 2020121/32 Rev A
- 2020121/33

- 2020121/34 Rev B
- Document titled 'Circle Housing and Support – Supported Lodging to independent living – Property Specification and Standards
- Document titled 'Proposed conversion of buildings into self-contained studio apartments – 4, 6 & 8 Edith Road, Clacton on Sea for ISSAM Properties – Accommodation Schedule by floor and apartment number

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

3. The use hereby approved shall only be occupied by a maximum of 34 residents at any one time.

Reason – In order to control the intensity of the use in the interests of residential amenities.

4. Prior to first occupation of any of the 34 supported living units hereby approved, a detailed Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall describe and detail precisely the means by which the Sui Generis supported living facility hereby approved shall be managed on a day to day basis, and shall include details on refuse management and all maintenance of internal and external communal areas. The measures agreed every annual SMP shall be implemented as agreed and retained as such thereafter.

Reason – To ensure the use and facility is appropriately operated and managed in the interests of residential amenities for both existing and future occupants.

5. The development hereby approved shall only be used on the basis of 'Sui Generis' Supported Living units, and the ground floor site office in No. 6 Edith Road shall be retained and used as site office in connection with the management of the supported living facility in perpetuity, in strict accordance with the plans hereby approved. The 34 supported living units hereby approved shall not be used at any times as private self-contained dwellinghouses falling under use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The overall number of residents occupying the buildings at Nos. 4, 6 and 8 Edith Road at any one time shall not exceed 34.

Reason – The application has been assessed on the basis of the proposal for 34 supported living units (sui generis), and in order to prevent the establishment of unmanaged self-contained units for private occupancy, and in view of the limited provision of car parking, to protect the amenity of the area generally.

6. 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.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved cycle parking facilities shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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 any of the 'Sui Generis' Supported Living units hereby approved, the Developer shall be responsible for the provision and implementation of a Residential

Travel Information Pack per unit, 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. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres (at approximately right angles to the road).

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

10. Prior to first occupation of any of the 'Sui Generis' Supported Living units hereby approved, any new or altered vehicular access shall be constructed 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 3.6 metres (3 metres minimum – 6 metres maximum), shall be retained at that width for 5 metres within the site and shall be provided with 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.

11. There shall be no discharge of surface water onto the Highway.

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.

12. 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.

8.3 Informatives

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 seeking additional information from the Applicant 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.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

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/>.

10.2 Appendix 1 – Planning Enforcement Appeal Decisions