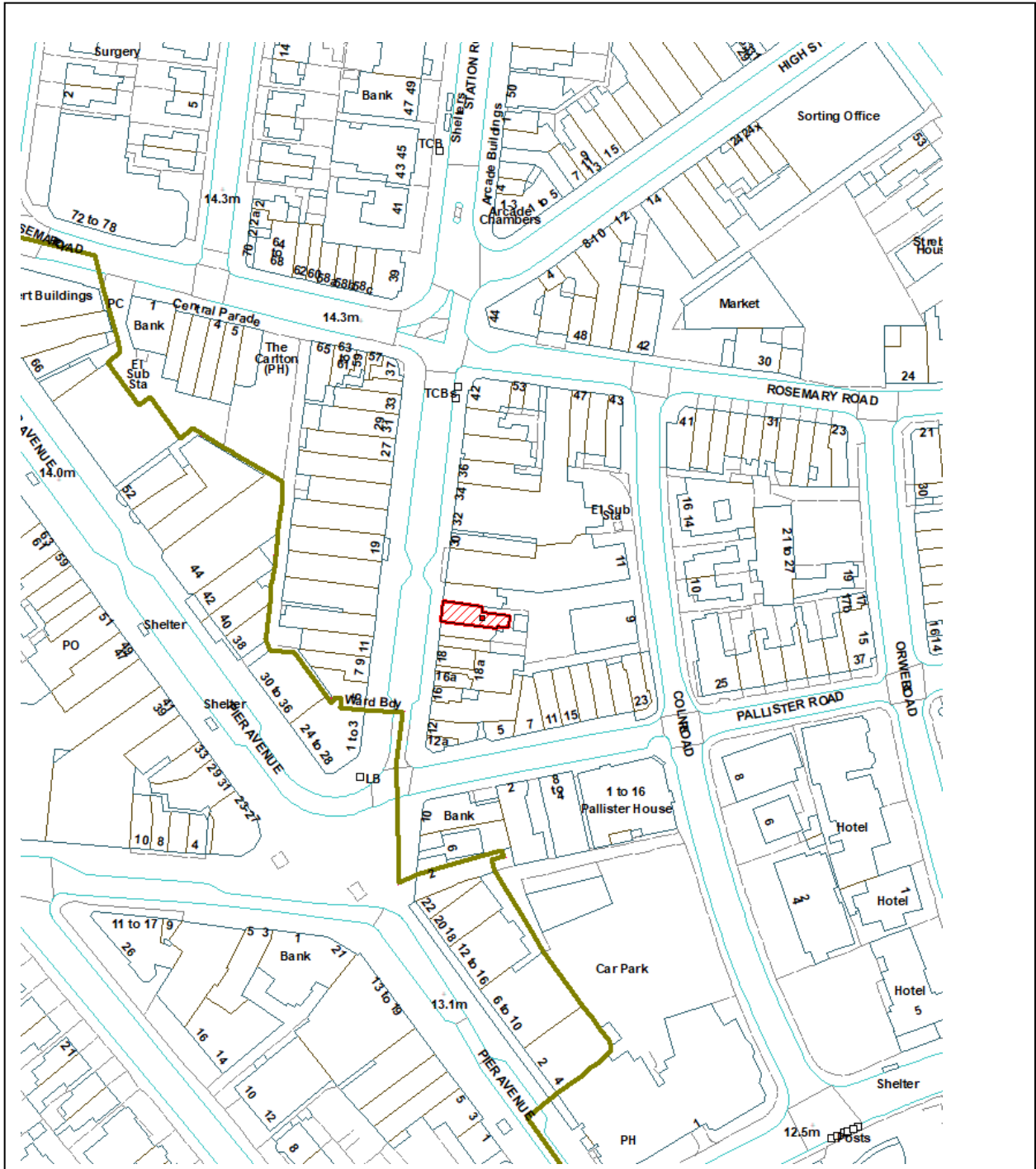


PLANNING COMMITTEE

10<sup>th</sup> May 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.5 PLANNING APPLICATION – 21/01850/FUL – 24A STATION ROAD CLACTON ON SEA CO15 1SX**



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**Application:** 21/01850/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs A Wenn

**Address:** 24A Station Road Clacton On Sea CO15 1SX

**Development:** Change of use from a residential flat (C3) to student accommodation (6 person HMO)

## 1. **Executive Summary**

- 1.1 The application has been called in by Councillor Paul Honeywood.
- 1.2 The application site is located on the eastern side of Station Road, Clacton-on-Sea, close to the junction with Pallister Road, within the main town centre. The site lies within the Settlement Development Boundary of Clacton on Sea as defined within the Tendring District Local Plan 2013-2033. The immediately vicinity is made up of three storey terrace buildings with a variety of commercial/retail uses at ground floor and residential flats at first and second floors.
- 1.3 The development proposal consists of a change of use from a residential flat to a six bed House of Multiple Occupation to provide accommodation for students (as described by the applicant) attending Tiffany Theatre College, which has relocated to Clacton and with which the applicant has strong links to.
- 1.4 The site is located in a highly sustainable, built up area of Clacton on Sea and within easy walking distance to a number of services and the college. The site is within walking distance of Clacton railway station providing excellent links to Colchester, London and beyond.
- 1.5 The proposal is fully compliant with Policy LP11 and there are no objections from, Highways, TDC Housing (fully supported by Ben Pirie and Grant Fenton-Jones subject to grant of HMO licence) or Environment Protection.
- 1.9 For these summarised reasons, the application is therefore recommended for approval subject to conditions.

### **Recommendation:**

That the Assistant Director for 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**

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

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP11 HMO and Bedsits
- SPL2 Settlement Development Boundaries
- CP1 Sustainable Transport and Accessibility

### **Status of the Local Plan**

- 2.2 Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

### **3. Relevant Planning History**

None

### **4. Consultations**

Environmental Protection	No Comments to make
Housing Services	No issues with the property and have made the applicant aware of the maximum numbers that could share the property and advised what fire precautions they need should they secure the relevant planning permission. We will licence if the change of use is awarded by yourself. We can then advise further.
Licensing Section	No comments received
ECC Highways Dept	No comments received. - <i>Highway Safety/Parking considerations are covered in the main body of the report below.</i>

### **5. Representations**

- 5.1 No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

### **6. Assessment**

Site Context

- 6.1 The application site comprises of a six bedroom residential flat over 2 floors, which sits above 2 commercial units (a vacant butchers shop and barbers) in Station Road, Clacton. There is a large area of hardstanding for parking to the rear of the building which is also within the applicant's ownership.

### Proposal

- 6.2 The application seeks planning permission to change the use of the residential flat into an HMO to provide accommodation for up to 6 students. The applicant has submitted a statement to explain that the proposed accommodation will provide accommodation for students attending the Tiffany Theatre College, which has students from other parts of the UK as well as international students. No external alterations or extensions are proposed and it is understood that the flat has been fully refurbished, including a new bathroom, fire boarding rooms, fire doors, hard wired smoke and heat sensors, new boiler, re-decoration, new carpets and washing machine and tumble dryer provided.
- 6.3 The applicant previously worked at the college and has maintained close links with the college. The proposal would provide 2 bedrooms, a shared lounge, dining and kitchen area, a utility room and a shower room at first floor and 4 bedrooms and a shower room at second floor. The applicant also proposes to provide a degree of pastoral support to the students and their families.

### Principle of Development

- 6.4 The application site is located within the defined settlement development boundary of Clacton-on-Sea and therefore the principle of development in this area is considered to be acceptable given the location and range of services and facilities available in Clacton.
- 6.5 Tendring District Council has made an Article 4 Direction removing the permitted change of use from residential to HMO in all parts of the District. Therefore any proposal involving the creation of an HMO or bedsits in the Tendring District requires express planning permission. This is to ensure that the Council can monitor the number of HMO's in the District in order to protect the health of residents, the economy of the District and the physical character of towns and villages as well as protecting the housing stock and existing hotels and guesthouses from conversion. All of which are important to sustain the long-term health and prosperity of the District and the economy of town centres and tourist areas.
- 6.6 Specifically Policy LP11 seeks to ensure that any proposal for an HMO would not result in an unhealthy concentration of such accommodation in any one particular area and to ensure that any permitted HMOs meet minimum standards of room size, facilities, design and layout to ensure that occupiers can enjoy decent living standards and to minimise any detrimental impacts on the physical appearance of the area.
- 6.7 The site is located in a highly sustainable area with excellent access to shops, public transport options and other services (such as educational facilities), therefore the high level principle of development is considered to be acceptable, subject to meeting the criteria of Policy LP11 and the detailed considerations relevant to this proposal which are set out below.

### Assessment

- 6.8 Policy LP11 states that all proposals involving the creation of Houses in Multiple Occupation (HMOs) or bedsits (including new-build, subdivisions and conversions) will require planning permission and will only be permitted within defined town centres where all of the following criteria are met:

a. within a 100 metre radius of the property or site in question (drawn as a circle from the centre of the property or site), the total number of existing and proposed HMO tenancy units and bedsits, as a proportion of all residential accommodation (tenancy units plus bedsits and dwelling houses that are not HMOs), would not exceed 10%;

Only two licenced HMO's are within a 100m radius of the property, none of which are in Station Road.

34	6 - 8	Sand Dunes, 6-8 Colne Road, Clacton-On-Sea, Essex, CO15 1PX	Sand Dunes (Essex) Ltd	35	36	07/11/2017	07/11/2022	Operational
20	6	Orwell Road, Clacton-On-Sea, CO15 1PR	Mr Rupinder Sandhu & Mrs Manraj Sandhu	11	11	08/06/2021	08/06/2026	Operational

Therefore it is not considered that the proportion of HMO's within a 100m radius of the property would exceed 10%.

b. the proposed tenancy units have a minimum internal floor area of 12 square metres and bedsits have a minimum internal floor area of 16 square metres;

Each room has an internal floor area in excess of 12sqm, the smallest is 12.6sqm and the largest is 15.9sqm.

c. each individual tenancy unit or bedsit has direct physical access to communal facilities without the need to rely on access via another tenancy unit or bedsit;

All rooms have their own direct access to the communal areas.

d. no more than six tenancy units or bedsits will be served by a single indoor communal facility such as a living room, dining room or kitchen;

The proposal is for a maximum of six tenancy units (HMO's) and are served by a large open plan kitchen, dining and lounge area.

e. a minimum of 1 off-street car parking space per tenancy unit or bedsit is provided and each parking space must be capable of being used independently of one another;

To the rear of the site there is a large parking area which comprises of six parking spaces and 4 cycle spaces. The applicant has made arrangements with a parking company to monitor the parking spaces via number plate registration and signage to ensure that the parking spaces are used and available for the occupants of the HMO with the applicant's authorisation, as currently there are no parking controls in place and unauthorised parking is commonplace.

f. all residents of the HMO or block of bedsits have access to adequate space for the storage of waste and recycling bins which will be provided within the curtilage of the block;

There is an area to the rear of the building for the storage of waste and recycling bins

g. all external alterations to existing buildings are in keeping with the character of the building and the wider area;

No external alterations are proposed

h. an area of communal open space is provided that has sufficient space and facilities for drying clothes.

Whilst the parking area to the rear would provide an area of communal space for drying clothes it is not considered to be an appropriate location for such a purpose, given the commercial activity around the site, therefore the applicant has installed a tumble dryer for this purpose.

6.9 Therefore the proposal is considered to copy with the requirements of Policy LP11.

#### Highway Safety/Parking

6.10 Whilst no comments have been received from the Highway Authority it is not considered that there are any Highway safety concerns with the development. Whilst no specific on site car parking provision can be provided due to the constrained nature of the site (within the red edge), there is an existing access from Colne Road to the rear parking area which is capable of meeting the parking demand for an HMO of this scale, in a location such as this and is within the applicants ownership. In addition, the site is located in a highly sustainable area with excellent access to shops, public transport options and other services (such as educational facilities), as such, future occupiers of the HMO are less likely to be solely reliant on private means of transport not least due to the location of the site, but also due to the nature of the accommodation proposed. The access arrangements will remain unchanged and as such there is no objection to this proposal from a highways safety or parking provision perspective.

#### Impact on Residential Amenity

6.11 Given the town centre location of the site and the existing residential use of the flat, it is not considered that the proposal would result in any detrimental impacts on the residential amenities of the occupiers of the HMO or those in the neighbouring properties. The comings and goings of up to 6 persons residing in an HMO in a sustainable location such as this will not be significantly different to those of a family living in a property such as this and capable of accommodating up to 6 family members. No external changes are proposed that would lead to any overlooking or loss of privacy concerns.

### **7. Conclusion**

7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies, in particular Policy LP11, outlined above. In the absence of material harm resulting from the proposal the application is recommended for approval.

### **8. Recommendation**

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

#### Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and reports:

Drawing: Site Plan  
Drawing: Block Plan  
Drawing: Proposed Floor Plan

Reason: In the interests of proper planning and for the avoidance of doubt.

### Informatives

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

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- a. 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:
  - b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - c. 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
  - d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- e. 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.
- f. 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.
- g. 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

- h. 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.
- i. 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).

- j. 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

- k. 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.
- l. 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**

- a. 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/>.