

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/09/22
Planning Development Manager authorisation:	JJ	16/09/2022
Admin checks / despatch completed	CC	16/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/09/2022

**Application:** 21/00199/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Miss Cynthia Anane - Lordsbrook Ltd

**Address:** Essex House 98 Pier Avenue Clacton On Sea

**Development:** Change from Residential Guest House (Use Class C1) to Use Class C2 (Residential Institutions)

### **1. Town / Parish Council**

Clacton-on-Sea Non-parished.

### **2. Consultation Responses**

Waste Management 13.04.2021 External bin storage area required for bulk bins for both residual waste and recycling.

Environmental Protection 12.04.2021 With reference to the above application, I can confirm that I have had the chance to review the proposal and associated documentation, and can confirm that the EP Team have the following comments to make, should the application be approved -

Construction Activities - In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Should you have any queries concerning this, or require any further clarification, please do not hesitate to contact me.

ECC Highways Dept

The information that was submitted in association with the application

has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The Highway Authority notes that the change of use has been altered from Use Class C4 to Use Class C2. However, having regard to the fact that the previous business allocation could generate traffic associated with staff, customers and deliveries, and the existing parking restrictions limit the risk of inappropriate parking. The location is close to the town centre with good transport links and local amenities; considering these factors and the building's current use, the Highway Authority would not deem the introduction of the proposal at this location to have a severe impact on traffic movements.

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

1. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular

public transport services and public car parking facilities.

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](mailto:development.management@essexhighways.org)

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

17/02068/FUL	Change from solicitors office (A2) to residential guest house (C1)	Approved	14.02.2018
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### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

PP9 Hotels and Guesthouses

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

## **Status of the Local Plan**

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.

## **5. Officer Appraisal**

### **Site Description**

The application site is Essex House, 98 Pier Avenue, which is a 2.5 storey property located within the Settlement Development Boundary for Clacton-on-Sea. The surrounding area is heavily urbanised, dominated with residential and commercial development to all sides.

The Clacton-on-Sea train station is located approximately 375 metres to the north-east, with the hub of the Clacton Town Centre sited approximately 250 metres to the south-east.

### **Description of Proposal**

This application seeks planning permission for the change of use of the existing residential guest house property into Use Class C2 (Residential Institutions), and will include for a total of eight bedrooms.

The building will specifically be utilised for the provision of support for young adults, and their young children, in order to promote independent living in terms of welfare and skills development. The building will be staffed 24/7 on a shift basis, with the applicant confirming that the number of staff will either be two per client, or one member of staff per two clients depending on the specific needs.

Within the original submission, the applicant stated they were applying to change the use of the building to Use Class C4 (HMO), however during discussions with the applicant it was confirmed and agreed that the correct use to apply for was C2 (Residential Institutions).

### **Assessment**

#### **1. Principle of Development**

Adopted Local Plan Policy LP10 (Care, Independent Assisted Living) confirms that to meet the care needs of our future generations and generate growth in the care, independent and assisted living sector in line with the Economic Development Strategy, the Council will support the construction of high quality care homes and extra-care housing in sustainable locations. Further, the Council will support the provision of care homes and extra care housing within settlement development boundaries and, in particular, within the mix of accommodation for the residential and mixed-use developments across the District.

The application site is located within the Settlement Development Boundary for Clacton-on-Sea, as agreed within the adopted Local Plan, and is also located within a highly sustainable location within walking distance to the Clacton-on-Sea town centre which provides for a range of services. Therefore the principle of a residential institution use in this location is supported, subject to the considerations detailed below.

#### **2. Loss of Residential Guest House**

Adopted Local Plan Policy PP9 (Hotels and Guesthouses) states within defined centres and along the seafront within the District's coastal towns, the Council will seek to retain the accommodation provided within existing hotels and guesthouses. Outside of these areas, the change of use or

redevelopment of existing hotels and guesthouses to alternative uses will only be permitted if the applicant can demonstrate that the current use is no longer economically viable.

The application site is located within the defined centre of Clacton-on-Sea and, following the determination and implementation of planning permission 17/02068/FUL, has a lawful use as a residential guest house falling within Use Class C1. The proposed development will result in the loss of the residential guest house, and is therefore contrary to Policy PP9.

Furthermore, notwithstanding the fact the site is located within a defined centre and the change of use cannot be supported, the applicant has confirmed via email to the Council that the existing use has not proved to be financially viable, however no evidence has been provided to demonstrate this.

### 3. Impacts to Highway Safety

Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Adopted Policy CP1 (Sustainable Transport and Accessibility) states proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

Essex Highways Authority have been consulted and note that the previous business allocation could generate traffic associated with staff, customers and deliveries, and the existing parking restrictions limit the risk of inappropriate parking. Given this, and that the location is close to the town centre with good transport links and local amenities the Highway Authority do not deem the introduction of the proposal at this location to have a severe impact on traffic movements, and therefore raise no objections subject to conditions relating to cycle parking, the submission of a Residential Travel Information Pack, and the storage of building materials.

Furthermore, the Essex Car Parking Standards (2009) do not specifically provide details of expected car parking provision for the use of this application, but a more generic 'residential care home' use should provide for one space per full time equivalent staff and one visitor space per three beds. Given there are eight bedrooms, this would generate a requirement for three spaces, while the number of staff spaces required is not specifically known but would range between four and sixteen. Clearly the space to the front of the site will not be sufficient to allow for the higher end of these parking requirements, however it must also be acknowledged that the site is within a highly sustainable location within walking distance to the train station and numerous bus stops. Given this, and that Essex Highways Authority raise no concerns regarding parking requirements, particularly in comparison to the existing lawful use, on balance Officers do not feel the lack of parking provision is sufficient to justify recommending a reason for refusal.

### 4. Impacts to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Adopted Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Adopted Policy SPL3 (Part B) confirms that buildings and structures should be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The site is located just outside of the town centre and is within a heavily urbanised area consisting of a significant number of residential and commercial properties. The development results in no alterations to the external appearance of the building. While it is acknowledged the comings and

goings of up to eight persons may be a slight increase to the existing guesthouse use, this would not be to such an extent that significant additional noise disturbances would be generated. Therefore there are not considered to be significant impacts to existing neighbouring amenities.

### Other Considerations

Councillor Honeywood has requested the application be determined by the Planning Committee in the event the application is recommended for approval, on the grounds that the proposal is contrary to Policy PP9 and would result in the loss of a guesthouse.

Clacton-on-Sea is non-parished so no comments are required.

There have been two letters of objection received, although these were received at the time of the application being described as a HMO. The objections outlined the following concerns:

1. Harm to the tourism offer in the district;
2. Some rooms not of sufficient size; and
3. Insufficient parking provision

In answer to this, points 1 and 3 are addressed within the main body of the report above, while point 2 is not applicable to Use Class C2 so cannot be given any weight in the determination of this application.

### Conclusion

The proposed change of use would result in the loss of an existing guesthouse, following the determination and implementation of planning permission 17/02068/FUL, within a location that is designated as a defined centre within the adopted Local Plan. Given this, the proposal is contrary to Policy PP9 and as such is recommended for refusal.

## **6. Recommendation**

Refusal.

## **7. Reason for Refusal**

- 1 Adopted Local Plan Policy PP9 (Hotels and Guesthouses) states within defined centres and along the seafront within the District's coastal towns, the Council will seek to retain the accommodation provided within existing hotels and guesthouses.

The application site is located within the defined centre of Clacton-on-Sea and, following the determination and implementation of planning permission 17/02068/FUL, has a lawful use as a residential guest house falling within Use Class C1. The proposed development will result in the loss of the residential guest house within a defined centre, and is therefore contrary to Policy PP9.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.