

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	28.11.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	29/11/2024
Assistant Planner final checks and despatch:		ER	29/11/2024

Application: 24/01428/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr I and Mrs A Houghton

Address: 23 West Avenue Clacton On Sea Essex

Development: Planning Application - Proposed change of use - 2no ground floor rooms to form an additional new HMO studio unit, formerly used for part retail purposes (currently vacant). The Existing 3no ground floor HMO studio units all remain unchanged. This would total 4no HMO units within the ground floor of the building.

1. Town / Parish Council

Clacton
Non-Parished N/A

2. Consultation Responses

Private Sector Housing
27.11.2024 The Council have the following HMO's approximately within 100m radius:- West Avenue - 25, 27. Agate Road - 23, 27, Rosemary Road West - 95, 109, 111. Ellis Road - 21, 36. Penfold Road - 20, 21, 29.

Police Strategic Planning
Consultation No comments

Arch. Liaison Off, Essex
Police
10.10.2024 The 'Essex Police ' Designing out Crime Office' (DOCOC) welcomes the opportunity to make comment on planning application 24/01428/FUL.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

The DOCOC considers that it is important that this site is designed to incorporate the maximum achievable benefit of Crime Prevention Through Environmental Design as the perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

Upon review of the provided documentation the DOCOC would welcome consultation to review the building, specifically the physical design specification of doors (inclusive of locking mechanisms) and design of communal facilities/areas. This is reflected within the 'Essex Amenity Standards for Houses in Multiple Occupation' where it states that good HMO design must adequately control security risks, without compromising fire safety.

We would request consultation regarding the security component of this Standard, ranging from external doors, internal doors to individual rooms, accessible windows, and secure cycle storage. Additionally, we would welcome further information regarding security features such as bike stores, bin stores and external lighting. This is due to the likelihood that potentially vulnerable residents could be susceptible to harm and risk; providing them with a safe and secure place to reside is therefore essential for their safety and that of the wider community.

We request that the applicant seek the Secured by Design accreditation detailed within the Secured by Design Homes Guide; (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

Essex Police provide a cost free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design. We would therefore welcome the opportunity to discuss with the applicant the security design aspects of the development to ensure provision of a safe and secure environment.

Contact with Essex Police Designing Out Crime team is via email: designingoutcrime@essex.police.uk

Essex County Council
Heritage
28.10.2024

Built Heritage Advice pertaining to a Full Planning application for change of use two ground floor rooms to form an additional new HMO studio unit, that were formerly used for part retail purposes and are currently vacant.

It is acknowledged that there are three existing ground floor HMO studio units, which will remain unchanged. Therefore, the total number of HMO units at ground floor of the building will be four.

23 West Avenue is an unlisted building that is thought to have been built during the late-nineteenth/early-twentieth century, first appearing upon the 25-inch OS Map from 1892-1914.

The building is not located within the Clacton Seafront Conservation Area but is considered to be within its setting. This is because the building occupies a prominent corner plot at the junction of West Avenue with Jackson Road on approach of the Conservation Area. Together 23 West Avenue and 11 West Avenue at the corner of the next junction, and in the distance 2 Station Road (The Castle Building) create an interesting sightline into the Conservation Area, peppered by historic properties.

Planning history for the property reveals that the historic use of the building was as a Doctor's Surgery, and that previous application 03/01106/FUL approved the part-change of use of the building's ground floor to a two-bedroom flat. Externally the building has already been altered by the installation of uPVC windows and doors, and the installation of a large box dormer to the front of the roof slope.

I do not object to this application on the basis that the proposal does not involve any further external alteration of the property in order to accommodate the change of use, and as such there will be no harm to the significance of the Conservation Area, in accordance with Chapter 16 of the NPPF.

Environmental Protection
14.10.2024

With reference to the above application, please see below for comments from the EP Team:

Construction Activities: In order to minimise potential nuisance caused by construction, 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).

REASON: to protect the amenity of nearby residential dwellings

ECC Highways Dept
28.11.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. It is noted that the proposed HMO would provide two additional rooms. Owing to the sites central location and existing waiting restrictions in the surrounding area and the fact that the proposal has a number of key facilities and amenities all within walking distance and falls within a primary shopping area, the location is close to existing public transport facilities that offer numerous bus routes that run through the centre of the town including the Railway Station located to the north of the site; considering these factors, the Highway Authority would not deem the introduction of the proposal at this location to have a severe impact:

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

1. The Cycle / powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8

(Continued...)

2. Prior to occupation of the proposed units, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per room, 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 Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) 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

ii) 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.

iii) 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

03/01105/FUL	Change of use from surgery to tattoo parlour	Approved	25.07.2003
03/01106/FUL	Change of use to form ground floor flat	Approved	25.07.2003
04/00604/FUL	Change of use of garage to remove garage doors and replace with shop front to trade as mobile phone retail sales	Approved	27.05.2004
24/01428/FUL	Planning Application - Proposed change of use - 2no ground floor rooms to form an additional new HMO studio unit, formally used for part retail purposes (currently vacant). The Existing 3no ground floor HMO studio units all remain unchanged. This would total 4no HMO units within the ground floor of the building.	Current	

4. **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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes

delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

- 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

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports and Recreation Facilities

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP11 HMO And Bedsits
- PP3 Village and Neighbourhood Centres
- PP5 Town Centre Uses
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site description

The application site is 23 West Avenue, which is a two 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 630 metres to the north-east, and the site falls outside of both the Primary Shopping Area and Priority Areas for Regeneration for Clacton-on-Sea.

Proposal

This application seeks planning permission for the change of use of 2no ground floor rooms to form an additional new HMO 'studio unit', formerly used for part retail purposes (currently vacant). The Existing 3no ground floor HMO studio units all remain unchanged. This would total 4no HMO units within the ground floor of the building.

The proposed new ground floor HMO unit will have an Internal floor area of 17.75m², creating a total of 4no. HMO units.

A full planning history search of the property fails to produce evidence of planning permission for the existing HMO and no HMO Licence exists. Therefore the existing HMO is considered to be unauthorised. The proposals will now be assessed against relevant policy.

Assessment

Principle of Development

The key and most important local plan policy in respect of the creation of HMOs is policy LP11 which, at a high level, states all proposals involving the creation of Houses in Multiple Occupation (HMOs) will require planning permission and will only be permitted within defined town centres and where a number of sub-criteria are met (covered below).

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.

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%;

The site does not fall within the defined town centre boundary for Clacton-on-Sea. There are a total of two licensable and operational HMOs within a 100m radius of the property outlined below as follows:

27 West Avenue (18 Occupants)
95 Rosemary Road West (8 Occupants)

The standard test for HMOs states that a building is an HMO if the following apply:

- occupants share one or more of the basic amenities (defined as a toilet, personal washing facilities and cooking facilities) or the accommodation lacks one or more of these amenities
- building does not entirely consist of self-contained flats (it may, however, comprise some self-contained units)
- building is occupied by at least three people who constitute more than one household
- building is the occupants' main residence (or should be treated as such)
- occupation constitutes the only use of the accommodation, and
- rents are payable, or some other form of consideration, for at least one person's occupation

This test applies to the most common type of HMO. It applies to shared houses (shared by more than one household such as students) and purpose-built bedsit accommodation. It may also apply to a hostel if the accommodation does not entirely comprise of self-contained units.

On this basis. Each bedroom is classed as a separate dwelling. There are 26 units in total and within the 100m radius there are 141 residential properties thereby totalling a 18.44% proliferation of HMOs within a 100m radius. Including the proposals this would increase to 30 units equalling 21.28% proliferation. The proposals thereby fail to adhere to the above criterion and the principle of development for creating a seven person HMO is therefore not supported.

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;

The layout drawings submitted lack detail however the proposed floor area for the additional tenancy unit (which is shown to be two rooms) is 17.75m² and therefore the proposals comply with clause b).

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;

The proposed tenancy unit has direct access to a kitchen via an internal hallway, however Drawing No. 23.WA-23-01A fails to annotate a dining room or lounge area and therefore it cannot be ascertained that the proposed unit will have direct access to appropriate communal areas and therefore the proposals fail to demonstrate compliance with clause c).

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 will create four tenancy units, however as outlined above, the failure to demonstrate all communal areas on appropriate plans means that the proposals fail to comply with clause d).

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;

The submitted information does not provide for any parking provision. Given that the proposal is for a total of four units, there should be provision for four off-street car parking spaces. It is noted the site is in a highly sustainable location close to the shops and services provided by the town centre, as well as in good walking distance to a train station and bus stops. However, as the provision provided falls far short of the requirements the proposal fails to adhere to the above clause e) and there is clear policy conflict in this regard.

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;

The submitted information does not highlight a clear bin store area although an alleyway is highlighted. It is considered that this information could be provided as part of any condition discharge and is therefore it is not considered that the proposal is unacceptable with regards to clause f).

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

There are no external alterations proposed as part of this application, and therefore this criterion is met.

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

There is no provision for a communal open space identified that has sufficient space and facilities for drying clothes. The proposals therefore fail to comply with clause h).

In summary, the proposals fail to comply with Clauses a) c) d) e) & h) of Policy LP11 and therefore the Principle of Development is not accepted.

Highway Safety

Paragraph 115 of the NPPF 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 Council Highways have been consulted on that application and state that Owing to the sites central location and existing waiting restrictions in the surrounding area and the fact that the proposal has a number of key facilities and amenities all within walking distance and falls within a primary shopping area, the location is close to existing public transport facilities that offer numerous bus routes that run through the centre of the town including the Railway Station located to the north of the site; considering these factors, the Highway Authority would not deem the introduction of the proposal at this location to have a severe impact. The highways authority have not considered the application against key policy LP11 as set out above and clear [policy conflict has already been identified in respect of policy LP11 point e.

Impact on Amenity and renewable energy

Paragraph 135 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 within the Clacton-on-Sea 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 there will be some comings and goings associated with four persons residing in the HMO, this is not likely to

exceed that of the previous commercial use, and therefore there will be no significant harm in this regard.

No information in respect of how the scheme will comply with the councils renewable energy policy however such information can be requested as per of a condition in the event of an approval.

Financial Contributions - Habitat Regulations Assessment

(ii) Habitat Regulations Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential use on a site that lies within the Zone of Influence (Zol) being approximately 5.1km away from Colne Estuary RAMSAR, SPA and SAC. While the proposal does not represent a form of new housing development there will be an intensification to the existing residential use within the Zol which would be likely to increase the number of recreational visitors to these sites, and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A condition would be placed on any approval to secure payment of this legal obligation. Therefore, it is considered that the proposals would comply with legislation and Policy PPL4 of the Adopted Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Clacton-on-Sea is non-parished so not comments are required.

The Councils Environmental Protection department have requested that a Construction Method Statement is conditioned as part of any approved planning application.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is for a conversion of an existing building with no external development and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Overall conclusion and planning balance

As set out above clear and overriding policy conflict has been identified and there are no other material planning considerations to outweigh the clear policy conflict and the resultant harm that will ensue in respect of the poor layout, lack of parking and over concentration of HMOs, some without the benefit of planning permission.

8. Recommendation

Refusal

9. Conditions / Reasons for Refusal

1. Adopted Local Policy LP11 a) c) d), e) & h) states that all proposals involving the creation of Houses in Multiple Occupation (HMOs) will require planning permission and will only be permitted within defined town centres where within a 100 metre radius the total number of existing and proposed HMO tenancy units would not exceed 10%, 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, 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, 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 and an area of communal open space is provided that has sufficient space and facilities for drying clothes.

Notwithstanding that the existing HMO units do not have the express benefit of planning permission and is therefore unauthorised, the proposal would result in a total of at least three HMO's with 30 units within a 100m radius which equates to 21.28% of all properties within this radius. In addition, the proposed HMO fails to demonstrate an area of shared communal facilities which can be accessed independently. Further there is insufficient parking provision, and a failure to demonstrate adequate communal open space for the provision of drying clothes. As such the site and location is not suitable to support the provision of an HMO contrary to the above requirements of Policy LP11.

10. 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

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- Site Plan – Received 23.09.2024
- Existing & Proposed Floor Plans – Drawing No. 23.WA-24-01A – Received 23.09.24
- Block Plan – Drawing No. 23.WA-24-02 – Received 23.09.24

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application? Please use the below options as required. No Declarations Of Interest Made / Declaration of Interest Made by...(specify who and why).	YES	NO