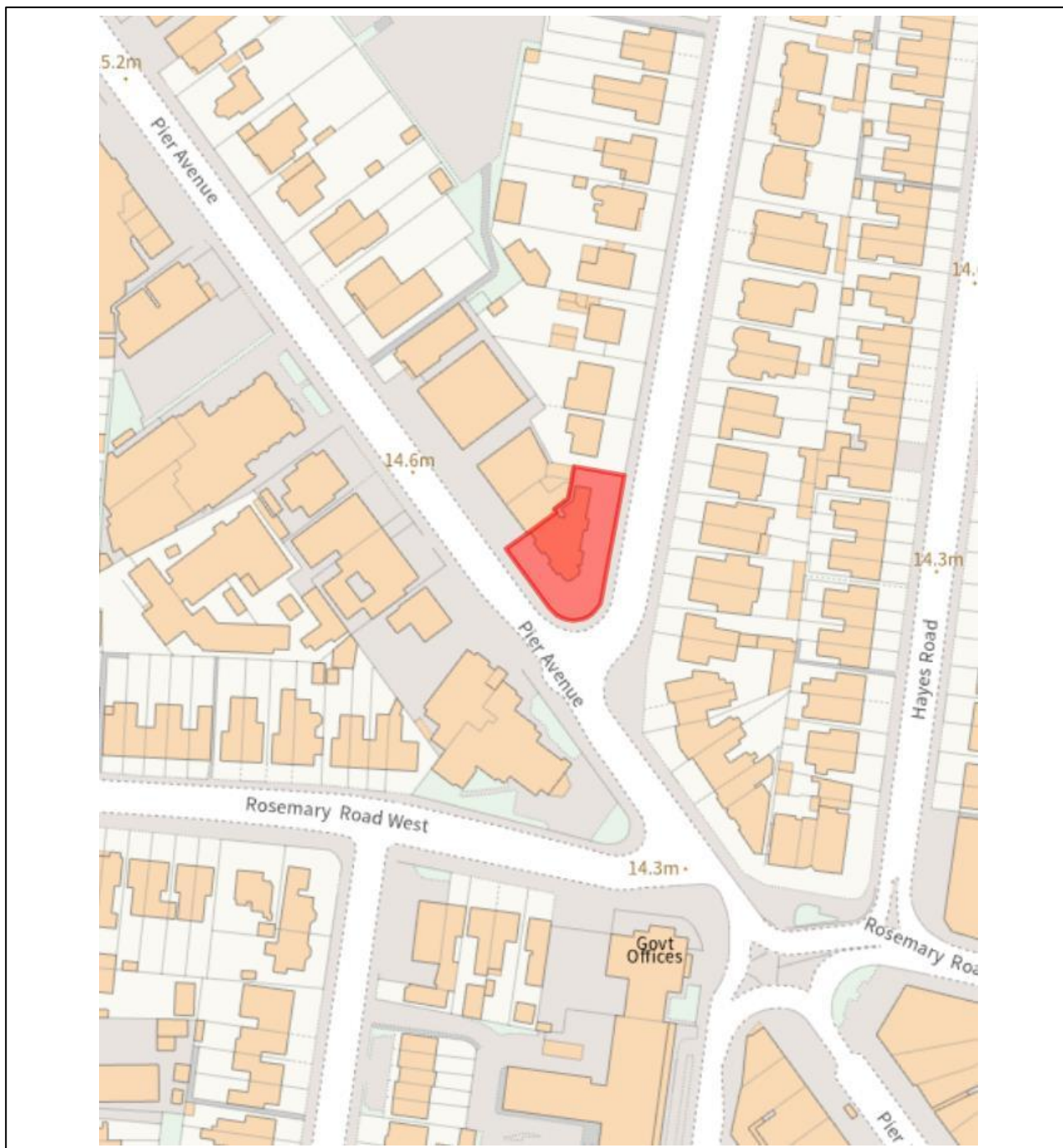


PLANNING COMMITTEE

03 SEPTEMBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 26/00112/FUL – 1 WELLESLEY ROAD CLACTON ON SEA CO15 3PP



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Application:	26/00112/FUL	Expiry Date:	7 th August 2026
Case Officer:	Alison Pope		
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Ali Ahmed - Waltham Estates Ltd		
Address:	1 Wellesley Road Clacton On Sea Essex CO15 3PP		
Development:	Planning Application - Change of use to Temporary Emergency Accommodation (Use Class Sui Generis).		
Referral Reason:	Cllr Paul Honeywood call-in by reason of insufficient information provided with the planning application and if approved, would have a negative impact on the vitality and viability of the area.		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

- 1.1 This application seeks permission for the change of use of a three-storey building at 1 Wellesley Road, Clacton-on-Sea, to temporary emergency accommodation (Sui Generis).
- 1.2 This application was considered by the Planning Committee on 9th June 2026, where Members resolved to defer determination to enable a site visit to be undertaken and to obtain further information regarding the proposed use and its management.
- 1.3 This report, at Section 7, provides the additional information requested by Members, including clarification on the proposed management measures, together with a detailed explanation of the distinction between housing definitions of HMOs and the relevant planning use classes. Changes to the national policy context are shown in **bold** in the relevant sections.
- 1.4 Officers remain satisfied that the proposal has been fully assessed against relevant planning policy and material planning considerations. The recommendation is therefore unchanged and remains one of approval.

2. Status of the Local Plan

Planning Policy Context

- 2.1 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 3 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.

Neighbourhood Plans

- 2.2 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. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

3. **Planning Policy**

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

National:

National Planning Policy Framework 2026 ([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)

SP 1 Presumption in Favour of Sustainable Development

SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 7 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

LP2 Housing Choice

LP3 Housing Density and Standards

HP2 Community Facilities

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Revised Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) 2026

4. **Relevant Planning History**

CLA/20/50	Alterations and additions to Wheatcroft Hostel for aged and blind persons.	Deemed approval by ECC	08.02.1950
TEN/1453/88	Remodelling works at Wheatcroft EPH	Deemed approval by ECC	31.08.1988
99/00506/CMTR	CC/TEN/21/99 Proposed change of use to respite day care centre	Determination	26.05.1999

12/60269/HOUEN Q	Replacement external fire staircase	Permission required	04.07.2012
12/00795/FUL	To replace an existing fire escape staircase. Installation of a 2m high hedgerow following the internal perimeter of the boundary wall, installation of 2.4m high access gates and a small section of 2m high fence extending out from the front elevation.	Approved	20.09.2012
13/00260/DISCON	Discharge of Condition 3 (hard and soft landscaping) and 5 (reduction in height of fencing) of planning permission 12/00795/FUL - FOR INFORMATION ONLY.	Approved	22.04.2013

5. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

ECC Highways Dept

11.02.2026

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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 and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Environmental Protection

09.02.2026

The Environmental Protection team recommend conditions relating to construction working hours and that no materials produced as a result of site development/clearance are burned on site in order to protect the amenity of nearby residential dwellings

Housing Services

06.05.2026

The application does not trigger an affordable housing requirement and so from that perspective do not have any comments to make.

From a general perspective the application proposes to bring a currently empty / redundant building back into use and the Sui Generis use class will provide accommodation for either one or two person households which is much needed in the district. This can be either via longer term assured tenancies or via shorter term temporary accommodation arrangements as suggested by the applicant.

It is important that any building with this use class and the proposed intended use is well managed

and has an on-site management presence and this should be demonstrated by the applicant as part of their application. From discussions the housing service has had with the applicant/owner as part of the pre-application process and exploring any HMO / HMO licensing requirements it is understood that this will be in place.

6. Representations

6.1 Parish/Town Council

Clacton on Sea is a non-parished area.

6.2 Neighbour/Local Representations

One of the issues raised as part of the member call in was that insufficient information had been provided with the submission. However, it is considered that sufficient information has been submitted to enable a full and proper planning assessment to be undertaken. The application has been duly validated in accordance with the requirements set out in the National Validation Requirements and the Council's Local Validation List, thereby confirming that all necessary documentation and supporting details have been provided to inform a reasoned planning judgement.

7. Reason for Deferral and Additional Information

7.1 The application was considered by Planning Committee on 9th June 2026, where Members resolved to defer determination of the application for the following reasons:

- To undertake a site visit and inspect the internal layout of the building;
- To obtain further information regarding the operation of the proposed use and additional details relating to site management; and
- To receive clarification on the distinction between housing definitions of Houses in Multiple Occupation (HMOs) and HMOs in planning terms to ensure that Members have regard to the relevant planning considerations.

The additional information requested by Members is set out below.

Site Visit

7.2 On Wednesday 2nd September, Planning Committee members will visit 1 Wellesley Road to inspect the property's interior and room layout.

Operational Arrangements and Management Plan

7.3 Following the Committee's request for further information regarding the operation and management of the proposed emergency accommodation, the applicant has confirmed that the facility would be overseen by an accredited 24-hour on-site Facilities Operational Manager, whose role would be to provide site supervision, security and day-to-day management of the building and its occupants.

7.4 The applicant advises that the Facilities Operational Manager would be responsible for ensuring the safe and responsible operation of the site and monitoring resident behaviour both within the building and in its immediate vicinity. The intention of these arrangements is to minimise the potential for anti-social behaviour or activities that may adversely affect neighbouring occupiers.

7.5 In addition, the applicant has confirmed that occupancy and move-in/move-out arrangements would be managed through the Local Authority Housing Department or an agreed partner organisation, which would determine placements and oversee the allocation of accommodation.

7.6 Officers acknowledge that the details now provided offer greater clarity regarding the intended

operation of the facility and the management measures proposed. It is considered that the level of management described would provide an appropriate degree of oversight for this form of accommodation. To ensure that these arrangements are maintained in the interests of neighbouring amenity, a comprehensive Management Plan is recommended to be secured by planning condition and approved by the Local Planning Authority prior to first occupation.

- 7.7 Having regard to the above, officers remain satisfied that the operation of the site can be appropriately managed and that the proposal would not result in unacceptable harm to the amenity of surrounding occupiers.

Housing HMO v Planning HMO Definitions

- 7.8 At the Planning Committee meeting, Members requested clarification on the distinction between Houses in Multiple Occupation (HMOs) as defined for planning purposes and HMOs as defined under housing legislation, in order to ensure that only material planning considerations are taken into account in the determination of this application.

Under the Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class C4 relates to the:

"Use of a dwellinghouse by not more than six residents as a House in Multiple Occupation (HMO)."

- 7.9 For the purposes of Class C4, an HMO has the same meaning as set out in Section 254 of the Housing Act 2004 (excluding certain converted blocks of flats falling within Section 257 of that Act). The Housing Act 2004 generally defines an HMO as living accommodation occupied by persons who do not form a single household and who share one or more basic amenities, such as a kitchen, bathroom or toilet.
- 7.10 This definition is reflected within Local Plan Policy LP11, which explains that an HMO is a property occupied by three or more unrelated individuals as their only or main residence, where occupants have individual lockable bedrooms but share basic facilities such as kitchens and bathrooms. HMOs containing between three and six occupants generally fall within Use Class C4, whilst larger HMOs accommodating seven or more residents are typically regarded as sui generis uses for planning purposes.
- 7.11 The proposal under consideration differs fundamentally from both the planning and housing definitions of an HMO. The development would provide 19 individual units, each benefiting from its own bath/shower room and kitchenette facilities. Occupiers would not share kitchens, bathrooms or other basic living facilities which are characteristic features of an HMO. The accommodation would therefore not operate as a traditional shared house or bedsit arrangement.
- 7.12 In addition, the proposed use is intended to provide temporary emergency accommodation managed by or on behalf of the Local Authority or an agreed partner organisation, rather than longer-term residential accommodation occupied as an individual's sole or main residence. The accommodation would operate under a managed framework, with placements controlled through the Local Authority Housing Service or an agreed partner organisation and supported by on-site management arrangements.
- 7.13 It is drawn to attention that the Housing Act 2004 contains separate provisions relating to the licensing and regulation of HMOs. HMO licensing is a housing regulatory matter designed to ensure appropriate standards of accommodation, management and safety. Whether a property requires an HMO licence is determined under housing legislation and is separate from the planning system. The requirement for licensing does not, in itself, determine the planning use class of a property, nor does it alter the assessment of whether a proposal constitutes an HMO for planning purposes.
- 7.14 Having regard to the above, officers remain satisfied that the proposed development would not fall

within Use Class C4 and would not constitute an HMO in planning terms. The proposal is therefore appropriately assessed as a sui generis use for temporary emergency accommodation, having regard to the Development Plan and all other material planning considerations.

National Planning Policy Framework Update

- 7.15 Since the publication of the original committee report, a revised National Planning Policy Framework came into effect on 17 August 2026. The revised Framework replaces the previous paragraph 11 tilted balance approach and introduces a new national decision-making framework. Officers have reviewed the proposal against the updated national policy position and conclude that the proposal remains acceptable. The scheme would continue to deliver significant social benefits through the provision of temporary emergency accommodation within a sustainable town centre location, would bring a long-vacant building back into beneficial use, and would not result in unacceptable adverse impacts. Accordingly, notwithstanding the changes to national policy, the officer recommendation remains unchanged

8. Assessment

Site Context

- 8.1 The application site comprises a three-storey building located on the corner of Wellesley Road and Pier Avenue in Clacton-on-Sea. To the north of the site lies an NHS GP Surgery, the East Lynne Medical Centre. Wellesley Road, in the main to the north of the GP Surgery and on the eastern side is occupied by residential properties. To the south of the site and on the opposite side of Pier Avenue lies the Trinity Methodist Church and hall. To the north west lies a small parade of shops including a Boots chemist, with first floor residential accommodation. A further mix of uses exist north west along Pier Avenue.
- 8.2 The three storey building at 1 Wellesley Road is unique and holds a prominent position in the street scene. The substantial three-storey red brick building of late Victorian appearance, features pitched slate roofs, gabled projections, bay windows, and decorative dormer windows. The building has a strong domestic architectural character, albeit at a scale reflecting its former institutional use, and is set behind a low brick boundary wall with a hardstanding forecourt fronting Wellesley Road and Leylandii hedging above the brick boundary wall as it turns the corner into Pier Avenue enclosing this side of the site.
- 8.3 The application site lies within the Clacton on Sea settlement development boundary, the priority area for regeneration and the Clacton Town Centre boundary.

Planning History

- 8.4 The building, previously known as Wheatcroft has historically been used as a home for the aged and blind, a respite day care centre and from its opening in 2007, it was used as a day school for SEN pupils until its closure in 2020.

Proposal

- 8.5 The proposal seeks to change the use of the building to temporary emergency accommodation. The development would provide 19 individual units comprising an en-suite bathroom and kitchenette. Limited external alterations are proposed and consist of the removal of first and second floor external doors to rooms 11 and 17 respectively.

Principle of Development

- 8.6 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which was adopted on 26 January 2021 (TDLP1) and Section 2 of the Tendring District Local Plan 2013-

2033 and Beyond which was adopted on 25 January 2022 (TDLP2).

- 8.7 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.
- 8.8 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 8.9 The application site is located in Clacton on Sea, defined as a Strategic Urban Settlement in policy SPL1. 1 'Strategic Urban Settlements' have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. These settlements provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale.
- 8.10 The proposed use of 1 Wellesley Road would provide temporary emergency accommodation, contributing towards meeting an identified and pressing need for housing, particularly for individuals requiring short-term accommodation. **Policy HO7 of the National Planning Policy Framework (NPPF) requires substantial weight to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community, including the needs of different groups identified through local needs assessments and other relevant evidence.**
- 8.11 The Council's identified housing need is further evidenced within the Tendring Strategic Housing Market Assessment (SHMA) (March 2025), which highlights a clear and ongoing requirement for accommodation within the district. At the time of the report, the SHMA identified an unmet gross need in Tendring of 404 households who are homeless or residing in temporary accommodation. This demonstrates a significant and pressing demand for short-term accommodation solutions, and the proposed development would make a meaningful contribution towards addressing this identified need.
- 8.12 **Since the application was previously considered by the Planning Committee, a revised NPPF was published on 17 August 2026, replacing the December 2024 Framework. The application has therefore been reassessed against the relevant national decision-making policies contained within the revised Framework.**
- 8.13 **Policy S3 establishes a presumption in favour of sustainable development. For development within settlements, this requires Policy S4 to be applied. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework. Unlike the former paragraph 11(d), the application of Policy S4 is not dependent upon whether the Council can demonstrate a five-year supply of deliverable housing sites.**
- 8.14 The application site lies within the Clacton-on-Sea Settlement Development Boundary and is therefore within a settlement for the purposes of Policy S4. The proposal would bring a vacant building within a highly accessible town-centre location back into beneficial use and provide temporary emergency accommodation to meet an evidenced local need. These are significant benefits in favour of the development.

- 8.15 Policy HO7 requires substantial weight to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community. In this case, the proposal would provide 19 units of temporary emergency accommodation within a district where the SHMA identifies a significant unmet need among households who are homeless or living in temporary accommodation. The contribution that the development would make towards meeting this need is therefore afforded substantial weight.**
- 8.16 Policy HO9 addresses specialist forms of accommodation and requires proposals addressing specialist housing needs to provide living conditions and access to services appropriate to their residents and users. In relation to specialist community-based accommodation, Policy HO9(1)(b). requires the development to be supported by a Management Plan or other evidence demonstrating how a safe and secure environment would be provided and to be located where residents can easily and safely access frequently used services.**
- 8.17 The proposal would provide self-contained accommodation, with each unit containing private bathroom and kitchenette facilities. The applicant has also confirmed that the facility would be overseen by an accredited 24-hour on-site Facilities Operational Manager responsible for supervision, security and the safe and responsible operation of the site. Occupancy and move-in and move-out arrangements would be controlled through the Local Authority Housing Department or a partner organisation. These arrangements would be secured through a planning condition requiring the approval and continued implementation of a comprehensive Management Plan.**
- 8.18 The site is located within Clacton Town Centre and is within easy reach of shops, healthcare, public transport and other frequently used services. The accommodation would therefore satisfy the locational and management requirements of Policy HO9(1)(b). The proposal would also make effective use of an existing building, require only limited external alterations and would not result in unacceptable effects upon neighbouring amenity, highway safety, the character of the area or ecological interests. Accordingly, the benefits of the proposal would not be substantially outweighed by its adverse effects and the development accords with Policies S3, S4, HO7 and HO9 of the NPPF.**
- 8.19 The proposal does not fall to be considered under Policy LP11, which relates specifically to the creation of Houses in Multiple Occupation (HMOs) and bedsits. The proposed development constitutes temporary emergency accommodation, which is a sui generis use, distinct from an HMO as defined under the Town and Country Planning (Use Classes) Order.**
- 8.20 The characteristics of the proposed development do not meet the definition or typical operation of an HMO. The scheme would comprise self-contained units, each with its own bathroom and kitchenette facilities, rather than shared accommodation reliant on communal kitchens or living spaces, which is a defining feature of HMOs. In addition, the accommodation would be occupied on a short-term, transitional basis by individuals placed by the Local Planning Authority (or its partner organisation), rather than as longer-term independent living arrangements.**
- 8.21 It is acknowledged that the Housing Act 2004 contains separate definitions and regulatory provisions relating to HMOs and HMO licensing. However, the housing licensing regime is separate from the determination of the planning use of the building. Policy DM7 of the NPPF requires development proposals to be assessed on the basis of whether they represent an acceptable use of land and confirms that decision-makers should assume, unless there is clear evidence to the contrary, that separate regulatory regimes will operate effectively. Planning decisions should not seek to duplicate or extend controls imposed through those regimes. Accordingly, any requirement for licensing or other regulation under the Housing Act is a matter for the relevant housing authority and does not determine whether the development constitutes an HMO for planning purposes.**

- 8.22 Furthermore, the development would be subject to a high level of management and operational control, secured through planning condition. The nature, function and management of the use therefore materially differ from that of an HMO or bedsit model envisaged under Policy LP11. Accordingly, Policy LP11 is not directly applicable to the proposed development, and the scheme has been assessed on its merits as a sui generis use having regard to the broader policies of the Development Plan and the provisions of the NPPF.
- 8.23 Policy HP2 of the Local Plan seeks to resist the loss of community facilities unless it can be demonstrated that the use is no longer required or that appropriate alternative provision exists. In this case, the building has historically functioned as a community facility, having been used for both health and wellbeing purposes and educational provision.
- 8.24 The building has not been in use since the closure of the school in 2020 which was reported at the time as operationally unviable due to the decreasing enrolment of pupils and it is therefore no longer required for its former educational use, and there is no reasonable prospect of its continued use for such purposes given the time that has elapsed since its closure. The building has therefore been vacant for a prolonged period of time with no intervening use established.
- 8.25 The applicant has submitted evidence to demonstrate that the property had been actively marketed for alternative community uses or uses suitable within a town centre with no interest forthcoming. This indicates that there is no reasonable prospect of the site being brought back into such use. Furthermore, the building is of a scale, layout and internal configuration that is likely to limit its attractiveness and viability for many alternative community uses without substantial investment or alteration.
- 8.26 In these circumstances, it is considered that the continued safeguarding of the site for community use would be unreasonable and that the requirements of Policy HP2 have been satisfied. Accordingly, the loss of the former school use is accepted in principle.
- 8.27 In addition, it is noted that the proposed use would not result in an undue intensification of the site. The building has historically operated at an institutional scale, most recently as a school, which would have generated regular comings and goings, staff presence and associated activity. The proposed use, whilst differing in nature, would operate within the confines of the existing building and be subject to a high level of management and control, including restrictions on occupancy and length of stay. As such, the level of activity associated with the development is not considered to materially exceed that of the lawful or former use and would remain compatible with the surrounding area.
- 8.28 In conclusion, the application site occupies a highly sustainable location within the Strategic Urban Settlement and town centre of Clacton-on-Sea, where development is supported by the spatial strategy of the adopted Local Plan. The proposal would bring a long-vacant building back into beneficial use and provide temporary emergency accommodation to meet an identified and pressing need. In accordance with Policy HO7, substantial weight is given to this contribution towards meeting the evidenced accommodation needs of the community. The accommodation would be appropriately located and supported by management arrangements capable of providing a safe and secure environment in accordance with Policy HO9.**
- 8.29 The loss of the former community use has been adequately justified, and the proposal would not result in unacceptable adverse effects. The benefits of approving the development would not be substantially outweighed by any adverse effects and the proposal therefore accords with Policies S3 and S4 of the NPPF. Furthermore, having regard to its accordance with the Development Plan, the national decision-making policies and other material considerations, the proposal is one which should clearly be approved in accordance with Policy DM3(f). The principle of development is therefore acceptable, subject to the detailed considerations addressed below.**

Scale, Layout & Appearance

- 8.30 Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policy SPL3 of the Local Plan also requires, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. **Similar objectives are reflected within Policy DP3 of the National Planning Policy Framework, which requires development proposals to respond to their context and integrate with and enhance their surroundings, whilst maintaining a strong sense of place and local character.**
- 8.31 The proposal does not involve any significant external alterations to the building, with changes limited to minor works associated with the change of use. The overall scale, massing and form of the building would remain unchanged and reflective of its established presence within the street scene. The building is of a substantial size and has most recently operated as a day school. As such, the intensity and pattern of use associated with the proposal is not considered to be materially out of character with the established built form or historical use of the site. The layout of the site, including access arrangements and supporting infrastructure, would remain as existing and is considered to function adequately for the proposed use.
- 8.32 In terms of appearance, the limited nature of external alterations ensures that the character of the building is retained. Any minor changes would be sympathetic to the existing design, materials and detailing, thereby preserving the visual contribution the building makes to the surrounding area. The proposal would therefore maintain the established character of the site and its setting.

Highway Safety/Parking

- 8.33 **Policies TR3, TR4 and TR6 of the National Planning Policy Framework are relevant to the assessment of this proposal. Policy TR3 seeks to ensure development is located where it can support sustainable patterns of movement and make effective use of existing transport infrastructure. Policy TR4 requires transport considerations to be integral to the design of development and that parking provision reflects the location, nature and connectivity of a site. Policy TR6 confirms that development should only be refused where it would result in a severe adverse impact on the transport network or an unacceptable impact on highway safety.**
- 8.34 TDLP2 Policy CP1 in the Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 8.35 The application site benefits from two existing vehicular accesses onto Wellesley Road, which have historically operated as an in and out arrangement and are considered to provide safe and suitable access for the proposed use. Whilst no formally marked parking spaces are shown within the submitted block plan, this is not considered to give rise to concern given the highly sustainable town centre location of the site. There is the opportunity for on-street parking in the vicinity, in addition to nearby public car parks which can serve both visitors and staff. It is anticipated that limited on-site parking will be utilised primarily by staff and for the loading and unloading of residents' belongings, rather than for general parking demand.
- 8.36 Essex County Council as the Highway Authority were consulted on the application and confirmed that the proposal is acceptable from a highway and transportation perspective.

- 8.37 Having regard to the above, and noting the site's accessible location, it is not considered that the proposal would result in an unacceptable impact on highway safety or cause serious problems on the local road network.

Impact on Residential Amenity

- 8.38 Policy L2 of the National Planning Policy Framework seeks to support the effective use of land whilst ensuring that development maintains acceptable living standards for residents and neighbouring occupiers in terms of access to daylight, sunlight, privacy and amenity. In addition, Policy DP3 requires development to create safe, inclusive and attractive places that function well for existing and future users.**

- 8.39 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. 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. Section 2 Policy SPL 3 Part B requires that new development meets practical requirements and that structures should be designed and orientated to ensure adequate daylight, outlook, and privacy for future and existing residents.

- 8.40 The main consideration in respect of residential amenity relates to the potential impact of the proposed use on neighbouring occupiers, having particular regard to noise and disturbance, overlooking, outlook and general activity associated with the development. The proposal does not involve significant external alterations to the building, and as such there would be no material change in terms of overlooking, loss of daylight or loss of privacy to neighbouring properties when compared to the existing built form.

- 8.41 In terms of activity, the building has historically operated at an institutional scale as a school, which would have generated regular comings and goings, including staff, pupils and visitors throughout the day. Whilst the nature of the use would change, the level of activity associated with the proposed emergency accommodation is not considered to result in a materially greater level of intensity than the lawful use of the site. Furthermore, the use would be internally focused, with limited reliance on external areas.

- 8.42 In respect of the potential impact on neighbouring amenity arising from the proposed use, it is acknowledged that the nature of the use will differ from the former SEN school, primarily due to the 24 hour nature of the use associated with the provision of emergency accommodation. However, it is not considered that this would give rise to unacceptable impacts in principle. Subject to the imposition of a planning condition requiring the submission and ongoing implementation of a comprehensive Management Plan, the operation of the site can be effectively controlled. This would secure appropriate day-to-day management, supervision, and monitoring of the use, and ensure that the impacts on neighbouring occupiers are appropriately managed. On this basis, the impacts of the proposal on nearby amenity are considered to be acceptable overall.

- 8.43 The proposal would provide an acceptable living environment for future occupiers. Each unit would be self-contained, incorporating private bathroom and kitchenette facilities, thereby ensuring an appropriate level of comfort, privacy and independence. The range of unit sizes, from approximately 12.75sqm to 34.54sqm, is considered sufficient to meet the varied needs of occupants, having regard to the nature of the accommodation as short-term, emergency provision. Regard has been given to the Nationally Described Space Standards; however, these standards are not directly applicable to the development under consideration, which comprises a sui generis use for transient emergency accommodation rather than conventional self-contained dwellings within Use Class C3. Given the intended short-term and flexible nature of the accommodation, the proposed unit sizes are considered appropriate and proportionate, and overall would provide an acceptable standard of living environment for future occupiers.

- 8.44 Overall, it is noted that the Council's Environmental Protection team raise no objection to the

proposed development. Whilst they have suggested conditions relating to construction hours and a prohibition on burning on site, it is acknowledged that the works are internal in nature and would be adequately controlled through other legislation. As such, the imposition of such conditions would not be reasonable or necessary in this instance. Subject to the recommended condition securing a comprehensive Management Plan, it is therefore considered that the proposal would not result in materially harmful impacts on the residential amenity of neighbouring occupiers, nor would it provide a substandard level of accommodation for future residents.

Ecology and Biodiversity

8.45 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

8.46 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.

8.47 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful 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). Biodiversity Net Gain is not applicable to this proposal as it is subject to the de minimis exemption. The proposal is for a change of use with minor elevational alterations and therefore impacts less than 25 square metres of habitat.

8.48 Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). 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'. Having regard to the aims and objectives of RAMS and the transient nature of the proposed residential accommodation, a financial contribution is not considered reasonable in this instance. The proposed use will provide temporary emergency accommodation for local residents in need; being moved from elsewhere in the district and then moved on to a more permanent housing solution. Having considered the aims of the strategy and the merits of the proposal, Tendring District Council conclude that the development will not result in an adverse effect on the integrity of the European sites included within

the Essex Coast RAMS and no contribution is being sought on this occasion.

8.49 Protected Species

In accordance with Natural England's standing advice the application 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 by virtue of the site comprising a previously developed building with limited ecological value and involving no significant external works.

8.50 Conclusion

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

9. Conclusion

9.1 The proposal would bring a long-vacant building within the Clacton-on-Sea settlement boundary and town centre back into beneficial use, providing 19 units of temporary emergency accommodation to help meet an identified and pressing need within the district.

9.2 The development would not result in unacceptable harm to the character and appearance of the area, residential amenity, highway safety or ecological interests. The loss of the former community use has been adequately justified, and the proposal is not considered to constitute an HMO in planning terms.

9.3 Having regard to the Development Plan, the National Planning Policy Framework and all other material planning considerations, the benefits of the proposal are not substantially outweighed by any adverse effects. The application is therefore recommended for approval, subject to the conditions set out below.

10. Recommendation

10.1 Approval (no upfront S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant full planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later than 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 Section 51 of the Planning and Compulsory Purchase

Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is 10143-001 received 21 January 2026

10143-002

10143-210

10143-211

10143-200 Revision A

10143-201 Revision A

10143-202 Revision A

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the

approved details and used as necessary for compliance purposes and/or enforcement action.

3 FURTHER APPROVAL: MANAGEMENT PLAN

CONDITION: Notwithstanding the submitted Facilities Management Plan, prior to the first occupation of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented in full for the lifetime of the development.

The Management Plan shall include, but not be limited to:

- (a) Arrangements for the day-to-day management of the site, including staffing levels, on-site supervision, and a named manager;
- (b) Procedures for the placement of residents;
- (c) Measures for the monitoring and management of the use, including regular review of occupancy, length of stay, and compliance with the approved use; and
- (d) Arrangements for refuse storage and collection.
- (e) Maximum 19 units for temporary emergency accommodation only
- (f) Details of arrangements for liaison with neighbouring occupiers, including the provision of a designated contact for local residents and procedures for engagement where management or operational issues arise;
- (g) A complaints procedure, including arrangements for the recording, investigation and resolution of complaints received from residents, neighbouring occupiers and other interested parties;
- (h) Details of security measures to be implemented at the site, including staff presence, visitor management, external lighting and any CCTV provision, together with arrangements for the retention and review of CCTV footage where applicable;
- (i) Safeguarding procedures for residents, including measures for identifying and responding to welfare concerns, vulnerability issues, anti-social behaviour and any necessary referrals or escalation to relevant agencies; and
- (j) Details of out-of-hours management arrangements, including a 24-hour emergency contact telephone number and procedures for responding to incidents requiring immediate attention.

The development shall be operated in accordance with the approved Management Plan at all times.

REASON: To ensure that the development is appropriately managed in the interests of the amenity of neighbouring occupiers, to secure proper oversight and control of the use, and to ensure that the development operates strictly as temporary emergency accommodation.

Informatives

Positive and Proactive Statement

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.

Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

11. **Additional Considerations**

Equality Impact Assessment

- 11.1 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.
- 11.2 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.
- 11.3 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

Human Rights

- 11.4 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.

- 11.5 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).
- 11.6 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

- 11.7 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.

12. Declaration of Interest

- 12.1 Please refer to the minutes of this meeting, which are typically available on the council's website which will be published in due course following conclusion of this meeting.

13. Background Papers

- 13.1 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/>.