



Tendring District Council

(Sent by email)  
26<sup>th</sup> March 2024

To whom it may concern,

76 Pier Avenue, Clacton

On behalf of our client we have been instructed to prepare a planning application for the change of use of the above property from a former beauty salon to a seven unit HMO.

The Planning Framework

The following national and local documents form the basis for determination of the planning application. The key policies are as follows:

NPPF National Planning Policy Framework

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

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP11 HMO and Bedsits

PP5 Town Centre Uses

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

#### Site Description

The application site is 76 Pier Avenue, which is a 2-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 500 metres to the north-east, and the site falls within the Primary Shopping Area for Clacton-on-Sea.

#### The Proposal

This application seeks planning permission for the change of use from a beauty salon to an HMO to provide seven units. The HMO will be served by seven bedrooms, each with an en-suite. A communal kitchen/living area is provided at ground floor, and a communal workspace at first floor.

The proposed bedroom sizes (including en-suits) are as follows:

Room 1 – 15.2sqm

Room 2 – 14.9sqm

Room 3 – 14.8sqm

Room 4 – 15.2sqm

Room 5 – 13.6sqm

Room 6 – 12.9sqm

Room 7 – 19.3sqm

## Material Considerations

### 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. These criteria are assessed as follows:

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 starting point is the HMO register provided by the Council. The following is the most up to date web link available, providing a register of HMO's in Tendring.

<https://legacy.tendringdc.gov.uk/sites/default/files/documents/Online%20Register%20of%20HMO%27s%20Current.pdf>

The register indicates there are HMO's within a 100m radius of the subject application site. These are 95 Rosemary Road, Clacton-On-Sea, Essex, CO15 1EP (providing 6 units and 8 occupants) and 16 Wellesley Road, Clacton-On-Sea, Essex, CO15 3PP (providing 8 units and 12 occupants)

This proposal would result in a total of three HMO's within a 100m radius, which cumulatively contain 25 units. It is not possible for us to be accurate on the number of residential properties within a 100m radius of the site. This is an assessment to be made by the Council, of which we would look to provide the evidence base of. However, given the density of development and there being only three buildings (including ours) of HMO use, we anticipate an appropriate percentage.

The purpose of the imposition of the 10% tenancy in a 100m radius is understood. However, we would stress that the policy is one that covers the whole of the District. There must be an appreciation of the character of an area and some degree of flexibility in its implementation. For example, in areas of exceptional sustainability and access to services and public transport, HMO's play an important role in housing provision and tenure. The policy implies a stigma pertaining to social aspects of HMO's and an undesirability for their proliferation in an area. We would argue that in town centre locations where denser development forms are encouraged, some degree of flexibility should be allowed.

For example, paragraph of 5.11.4 of the supporting text to the policy states "The Council is concerned about the impact that an increasing number of HMOs and bedsits, both new-build proposals and the conversion of existing properties, will have on the health of residents, the economy of the District and the physical character of our towns and villages". We would politely ask the Council (should it be necessary if percentage tenure is brought into question), what evidence this is based upon.

The paragraph then goes on to state "An increasing number of large residential properties, hotels and guesthouses in central parts of our seaside towns are being lost to HMOs and bedsits, which will result in the permanent loss of valuable visitor accommodation, essential to the tourism economy, and poor living conditions and resultant health problems for tenants". The development proposal is for the conversion of a redundant former salon. It does not represent a change of use of any of the identified uses in the supporting paragraph of the policy. Distinguishing this is important when considering the proposed change of use and subsequent impact.

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;

All bedrooms adhere to this.

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

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

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

The proposal is for seven tenancy units, which are served by a communal kitchen room at ground floor. However, this measures 21sqm and is capable of providing two workstations (i.e. two hobs / fridges / sinks etc). It would not be efficient to split this into two rooms as the purpose of the criteria is to make sure sufficient facilities are available to serve the residents. Splitting the kitchen / living area into two rooms would be counter intuitive to social living.

At first floor a shared workspace is provided. We have found in many projects that such a room has become increasingly popular as more people are working from home. Therefore, shared desk space is seen as an attractive feature for such properties for professionals to make use of.

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;

Paragraph 9 of the NPPF seeks to promote sustainable transport. The supporting paragraphs state the following:

111. If setting local parking standards for residential and non-residential development, policies should take into account:

(a) the accessibility of the development;

- (b) the type, mix and use of development;
- (c) the availability of and opportunities for public transport;
- (d) local car ownership levels; and
- (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The purpose of the LPA's policy criteria is to stop the proliferation of cars being parked within residential estates where on road parking is possible. In assessing the imposition of this criteria one must assess the character of the area and the impact a reduced parking scheme would have. The NPPF makes it quite clear that in sustainable locations with good access to services and public transport, a reduction in car reliance can be considered acceptable. In this instance the application site is within walking distance to a wide range of services and a number of public transport modes. The development is not reliant upon private cars. In addition, the immediate surrounding road network is protected from on road parking by yellow lines and other such implements.

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

There is ample space within the frontage of the site for the necessary storage.

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.

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

There is a communal external area provided at ground floor which is of a sufficient size to accommodate facilities for the drying of clothes.

#### Conclusion

The proposed change of use to an HMO complies with Policy LP11 and the NPPF. It is in a suitable location with high sustainability. It seeks to change of the use of a former beauty salon which does not result in any disruption to Clacton's character and setting.

Yours faithfully

Ben Willis BA Hons (PG/DIP) MRTPI

DIRECTOR

