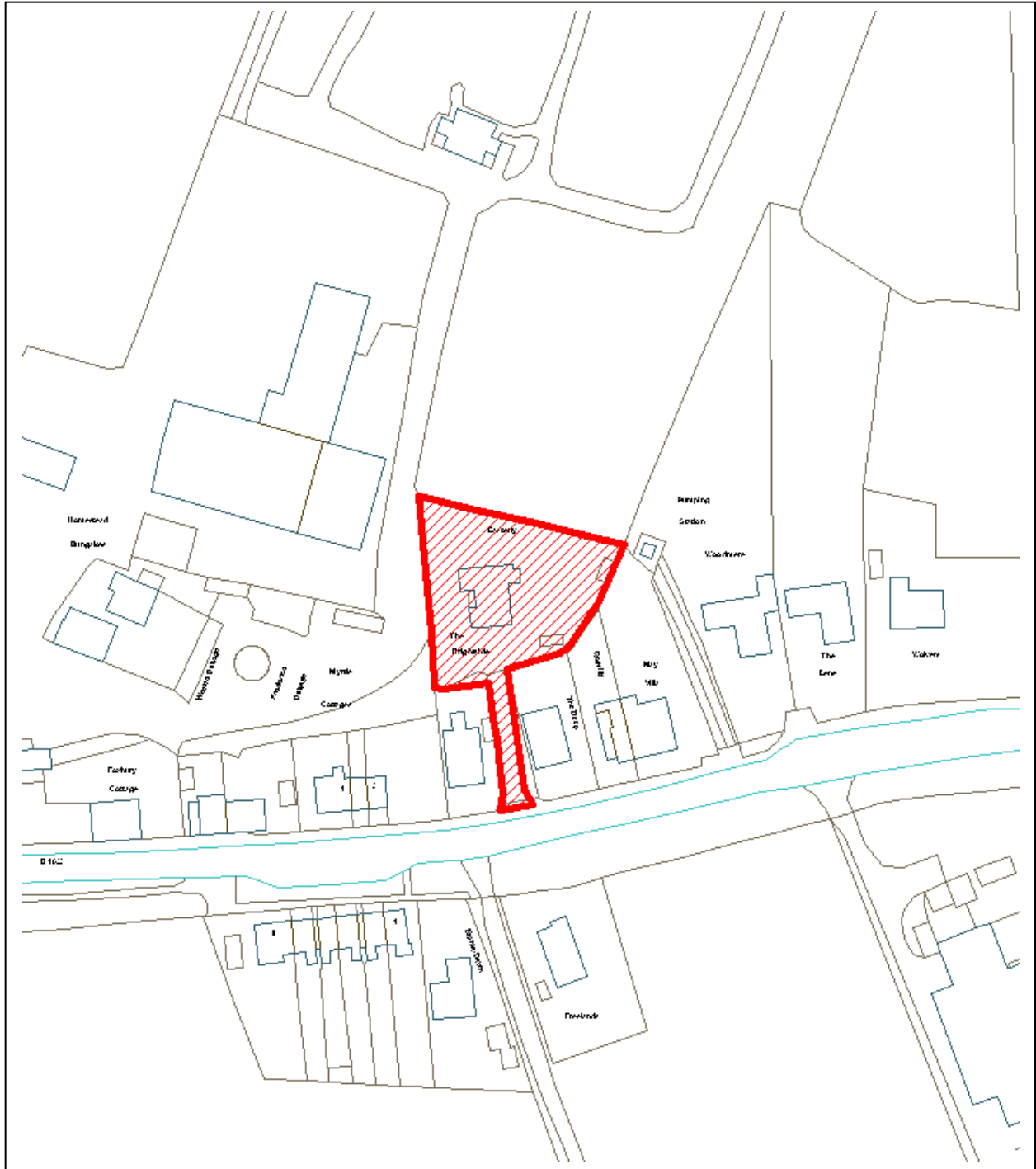


PLANNING COMMITTEE

8<sup>TH</sup> OCTOBER 2013

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 13/00927/FUL - EASTERLY THORPE ROAD, WEELEY, CLACTON ON SEA, CO16 9JL**



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|---------------------|--|---|
| <b>Application:</b> | 13/00927/FUL   | <b>Town / Parish:</b> Weeley Parish Council |
| <b>Applicant:</b>   | Maison Care  |   |
| <b>Address:</b>     | Easterly Thorpe Road Weeley CO16 9JL   |   |
| <b>Development:</b> | Change of use of property to a care home for 5 persons with learning disabilities. |   |

## 1. **Executive Summary**

- 1.1 The application has been referred to Planning Committee by Councillor D. Skeels.
- 1.2 The application proposes change of use of an existing 5 bedroom bungalow with rooms in the roof to a care home for 5 persons. The home will be occupied by five adults with learning disabilities. Three staff will be on duty in the morning, three in the afternoon and two staff over night. No external alterations are proposed.
- 1.3 The bungalow is set back around 45 metres from Thorpe Road with two bungalows either side of the access drive. To the west and north boundaries lie the Homestead Caravan Park, and to the south and east boundaries lie a number of dwellings fronting Thorpe Road.
- 1.4 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. Draft Policy PEO16 (Residential Institutions and Care) supports proposals in appropriate sustainable locations within the settlement development boundaries of Key Rural Service Centres (such as Weeley). Officers are recommending no change to the boundary in this location or to draft Policy PEO16, so the draft Local Plan can be applied pragmatically at this stage, despite the fact it has yet to be formally adopted. There is therefore no objection in principle to the proposed use as it is in accordance with the development plan.
- 1.5 The proposal provides adequate parking and turning space, private amenity space, and would result in no material harm to highway safety or residential amenity.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Use restricted to a care home (Use Class C2) and for no other use including any other use within Use Class C2.
4. Parking and turning to be provided prior to commencement of development and retained thereafter.
5. Details of cycle and motorcycle parking to be provided prior to commencement of development and retained in the approved form thereafter.

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

- 2.1 The NPPF says applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

### Local Plan Policy:

*Tendring District Local Plan (2007)*

|      |  |
|------|--|
| QL1  | Spatial Strategy                                   |
| QL9  | Design of New Development                          |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses    |
| COM5 | Residential Institutional Uses                     |
| TR1a | Development Affecting Highways                     |
| TR7  | Vehicle Parking at New Development                 |

*Tendring District Local Plan Proposed Submission Draft (2012)*

|       |  |
|-------|--|
| SD1   | Presumption in Favour of Sustainable Development |
| SD3   | Key Rural Service Centres                        |
| SD9   | Design of New Development                        |
| SD8   | Transport and Accessibility                      |
| PEO16 | Residential Institutions and Care                |

## 3. **Relevant Planning History**

|              |   |          |            |
|--------------|---|----------|------------|
| 04/01882/FUL | Single storey side extension; two storey side extension with upper floor in roof space and new dormer; side conservatory; front porch | Approved | 29.10.2004 |
|--------------|---|----------|------------|

## 4. **Consultations**

- 4.1 Essex County Council Highways - No objection subject to four conditions relating to 1) Provision of parking area in accordance with submitted plan prior to occupation. 2) Minimum parking space dimensions of 5.5m x 2.9m. 3) Details of vehicular turning facility to be submitted, approved and provided on site prior to commencement of development and maintained free from obstruction at all times for that sole purpose. 4) Details of cycle and motorcycle parking to be submitted, approved and provided on site prior to commencement of development and maintained free from obstruction at all times for that sole purpose.

- 4.2 NHS Property Services – Falls below threshold of 50+ bedroom properties so decline to comment.
- 4.3 Weeley Parish Council – Object in line with the views of immediate neighbours of the property. The amount of traffic accessing this site is likely to be significant. Application states that seven parking spaces will be provided which is unlikely to be sufficient for 10 FTE staff, including visitors and deliveries. Weeley already has a problem with vehicles parking on grass verges and this change of use could exacerbate this problem.
- 4.4 In response to the Parish Council's concerns, highway safety and parking is addressed in full in the report at paragraphs 6.8-6.9 below.

## 5. **Representations**

- 5.1 Councillor D. Skeels has requested that this application be determined at Planning Committee for the following reasons: Highways impact and/or other traffic issues and negative impact on neighbours.
- 5.2 Eight letters of objection have been received and are summarised as follows (*with Officer response in brackets*):
- Increased traffic noise at various times of day and night (*it is not considered that the scale of the proposed development would result in any material harm to residential amenity in terms of vehicular traffic or noise*).
  - Safety concerns with busy main road and access opposite to riding club (*the Highway Authority have no objection to the proposal subject to the conditions detailed in the recommendation*).
  - Limited local facilities for residents (*Weeley is classed as a key Rural Service Centre and has shops, a café, public house, public open space, and bus and train services therefore offering a wide range of facilities and services and is considered to be a sustainable location for the proposed use*).
  - Inadequate parking and turning provision (*the Highway Authority has no objection to the proposal and adequate parking is provided as discussed at paragraphs 6.8-6.9 below*).
  - No parking should be allowed on grass verge opposite site access (*this is outside the application site and adequate parking provision is provided on site and secured by condition*).
  - Noise from residents (*it is not considered that the change of use to accommodate five residents and their support staff would result in any material harm in terms of noise disturbance*).
  - Will devalue my property (*this is not a material planning consideration*).
  - May change in the future to residents with antisocial behaviour resulting in crime risk (*Planning permission would be required to change the use to C2A Secure Residential Institutions*).
  - Already care homes in the village (*there is no issue of clustering with the other care homes in the village and the application is therefore assessed on its merits*).
  - No highway report submitted by applicant (*this is correct but is not considered necessary for the scale of development proposed*).
  - Seems logical a minibus will be required with a capacity for wheelchairs (*this has not been confirmed by the applicant however the tandem parking spaces would enable parking of a larger vehicle if necessary without compromising the turning space*).

- 5.3 Six letters of support have been received and are summarised as follows:
- Good location and Connolly House demonstrates how residents integrate well with the village.
  - Small scale will not have a major impact on traffic or noise particularly given large caravan park next door.
  - Provides nice environment for residents to enjoy village life.
  - No objection from Highways.
  - Will create jobs.
  - Maison Care provide excellent care facilities.

## 6. **Assessment**

6.1 The main planning considerations are:

- Planning Policy;
- Highway safety; and,
- Residential amenity.

### **Proposal**

6.2 The application proposes change of use of an existing 5 bedroom bungalow with rooms in the roof to a care home for 5 persons. No external alterations are proposed. The frontage car parking area will be altered to provide additional parking space for staff and visitors.

6.3 Supporting information states the home will be occupied by five adults with learning disabilities. Three staff will be on duty in the morning (7.30am-2.30pm), three in the afternoon (2.30pm to 8.30pm) and two staff over night (8.30pm to 7.30am). Equating to approximately 10.5 full time equivalent staff.

### **Site Location**

6.4 The bungalow is set back around 45 metres from Thorpe Road with two bungalows, built around 2003, either side of the access drive. To the west and north boundaries lie the Homestead Caravan Park, and to the south and east boundaries lie a number of dwellings fronting Thorpe Road.

6.5 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan.

### **Planning Policy**

6.6 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. The draft Plan has now progressed and Officers are nearing completion of the document confirming what changes need to be made to the Plan before it can be submitted for independent examination. Whilst objections were received relating to the proposed spatial strategy and the general distribution of growth around the District and more specifically in Weeley/Weeley Heath, none were received relating to the proposed inclusion of this land within the Settlement Development Boundary. Officers are therefore recommending no change to the boundary in this location, so the draft Local Plan can be applied pragmatically at this stage, despite the fact it has yet to be formally adopted.

6.7 Draft Policy PEO16 (Residential Institutions and Care) states applications for the change of use to residential institutions (Use Class C2) will be permitted in appropriate sustainable locations within the settlement development boundaries of Urban Settlements or Key Rural Service Centres. Draft Policy SD3 identifies Weeley and Weeley Heath as a key Rural

Service Centre.\_Draft Policy PEO16 (Residential Institutions and Care) can be applied confidently at this stage as whilst some objections were received, none have caused officers to question the soundness of the policy. The principle of conversion from a single dwelling to a residential care home is therefore acceptable and subject to the material considerations detailed below.

- 6.8 Saved Policy COM5 (Residential Institutional Uses) states applications for change of use to residential institutions will be considered on their merits subject to meeting the following criteria: a) Site would not be located away from existing settlement development boundaries; b) Would not lead to a clustering of similar uses in the locality; c) would not create or give rise to a significant material adverse impact on public safety; d) sufficient external space for recreation without impacting on highway safety, or neighbouring residential amenity.
- 6.9 In relation to COM5 a) the site is approximately 320 metres from the settlement boundary in the saved Local Plan. It is considered that, given the inclusion of the site within the settlement limits in the draft Local Plan which is a more up to date reflection of the sustainability of the village, that limited weight should be afforded to COM5 a) as the development of the site for the proposed use would accord with draft Policy PEO16 and the provisions of the National Planning Policy Framework in supporting employment and the presumption in favour of sustainable development. COM5 b) is satisfied as there are no care homes in the immediate locality. COM5 c) and d) are both satisfied as detailed at paragraphs 6.9-6.14 below.

#### **Highway Safety**

- 6.10 The adopted parking standards require a maximum of 1 parking space per FTE plus 1 visitor space per 3 bedrooms. This equates to a maximum of 12 parking spaces plus bicycle and motorcycle parking.
- 6.11 An amended parking layout plan has been submitted which (following demolition of the existing garage and boundary wall/fence provides 8 car parking spaces. Four of these spaces are in a tandem arrangement which is acceptable for this use and would be managed by the business. It is considered that this level of parking provision is acceptable to accommodate staff at change over period and allow for parking for visitors. There is ample space in the large rear garden for cycle parking with details to be provided by condition.
- 6.12 The Highway Authority has no objection to the proposal subject to the conditions detailed above.

#### **Residential Amenity**

- 6.13 No external alterations are proposed to the building. There is a large private rear garden for the residents and staff to enjoy which also provides good separation from neighbouring properties.
- 6.14 It is not considered that the proposed use would result in any material harm to residential amenity in terms of noise, or disturbance from vehicles accessing and manoeuvring on site due to the scale of the use and the existing noise from the B1033 (Thorpe Road).
- 6.15 The use of the building is recommended to be restricted by condition as a care home (use class C2) only and for no alternative use including any other use within Use Class C2 (e.g. hospitals, boarding schools, residential training centres) so the impact of any alternative use can be closely assessed, on submission of a planning application, in relation to potential impact upon residential amenity and highway safety.

Background Papers

None.