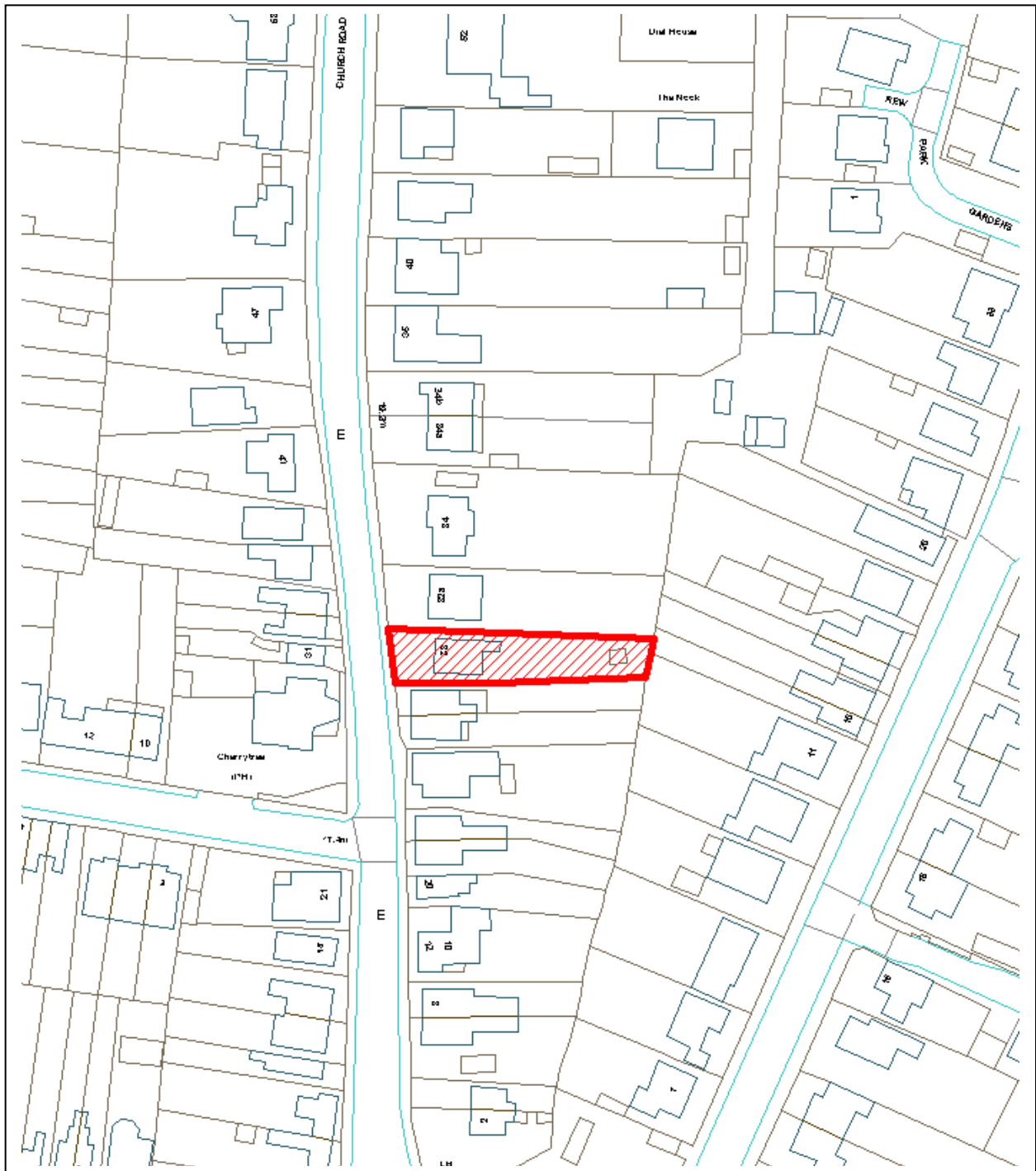


PLANNING COMMITTEE

24 JUNE 2014

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 14/00488/FUL - 32 CHURCH ROAD**  
**BRIGHTLINGSEA, CO7 0JF**



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<b>Application:</b>	14/00488/FUL	<b>Town / Parish:</b> Brightlingsea Town Council
<b>Applicant:</b>	Caring Homes Group - Mr Paul Jeffery	
<b>Address:</b>	32 Church Road Brightlingsea Colchester CO7 0JF	
<b>Development:</b>	Change of use of single residential house to two no. 1 bed flats for use by the learning disabled.	

## 1. **Executive Summary**

- 1.1 The application has been referred to Planning Committee by Councillor J. Chapman.
- 1.2 The application proposes change of use of an existing three bedroom dwelling into two no. 1 bed flats for use by people with learning disabilities and with a maximum of three support staff on site at any time. This does not represent change of use to C2 (Residential Institution) and the proposal is therefore assessed as conversion of single dwelling to two flats within the settlement development boundary. The only external alterations relate to changes to windows and doors. The proposal is considered acceptable in terms of highway safety, visual impact and impact upon residential amenity. The proposal is therefore recommended for approval.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard three year time limit for commencement.
2. Development in accordance with submitted plans.
3. Escape door on South elevation to be unglazed and retained as such thereafter.
4. Parking to be maintained free from obstruction at all times for that sole purpose.

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### Local Plan Policy:

*Tendring District Local Plan 2007*

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development within Defined Settlements

HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

*Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).*

SD1	Presumption in Favour of Sustainable Development
SD9	Design of New Development
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New Residential Development

Other guidance:

ECC Parking Standards (2009)

### **3. Relevant Planning History**

None

### **4. Consultations**

- 4.1 Brightlingsea Town Council – Support the application and are delighted to recommend approval.
- 4.2 ECC Highways – Highway Authority does not wish to object to the proposals as submitted.

### **5. Representations**

- 5.1 Councillor Jayne Chapman has called the application in for determination at Planning Committee because of the following:
  - Urban design/street scene impacts
  - Highways or other traffic issues
  - Impact on neighbours
- 5.2 Nine letters of objection have been received and are summarised as follows (*comments where not addressed in report below*):
  - Overlooking
  - Loss of light due to increased fence height (these works do not require planning permission).
  - Bins close to our front door (these are the bins serving two one-bedroom flats and would therefore be comparable to that of the existing three bedroom dwelling with no significant harm to residential amenity).
  - Noise disturbance from bottom part of garden being used by care home at 32a.
  - Parking and highway safety concerns

## **6. Assessment**

6.1 The main planning considerations are:

- Principle of development;
- Visual impact;
- Highway safety; and,
- Residential amenity.

### **Proposal**

6.2 The application proposes change of use of an existing three bedroom dwelling into two no. 1 bed flats for use by people with learning disabilities as independent living accommodation. There is 24 hour support with a maximum of three support workers on site at any one time (maximum 2 staff 7am-2.30pm and 2.30pm to 10pm and one member of staff 10pm until 7am). Three off street parking spaces are provided on the site frontage.

6.3 Each one bedroom flat is a self-contained dwelling comprising bedroom, bathroom, living area and kitchen with an additional WC on the ground floor. The only external alterations relate to changes to windows and doors. Each flat is provided with a private rear garden area and a third area of rear garden is to be used by the neighbouring residential care home which will also manage the proposed flats.

6.4 The application has been amended since original submission to show the off street parking on the frontage; correct minor errors on the elevational drawings; move the front fence back in line with the building; and change the escape door to a solid door.

### **Site location**

6.5 The site lies within the defined settlement boundary for the town of Brightlingsea. The existing property is a detached, two-storey dwelling located on the East side of Church Road.

6.6 The neighbour to the immediate north is 32a Church Road which is a residential care home. The proposed flats will be managed by the same care provider. To the immediate south is a pair of semi-detached dwellings (no. 30 and 28) and opposite lie detached and semi-detached dwellings and the Cherry Tree Public House.

### **Principle of development**

6.7 The proposal comprises change of use of an existing three bedroom dwelling into two no. 1 bed flats. The flats are for use by people with learning disabilities. However, the property will remain within use class C3 (dwellinghouses) as this includes use as a dwellinghouse (whether or not as a sole or main residence) by not more than six residents living together as a single household where care is provided for residents. Each of the one bedroom flats will comprise a separate dwellinghouse with a single resident who is cared for by a maximum of three members of support staff between the two flats. The proposal does not therefore involve a change of use to C2 (Residential Institution) and the primary consideration relates to the intensification from a single three-bedroom dwelling to two one-bedroom flats.

6.8 Saved Policy HG3 (Residential Development within Defined Settlements) states that within the defined development boundaries residential development will be permitted provided it satisfies amenity and design criteria and can take place without material harm to the character of the local area. Draft policy SD5 (Managing Growth) states within the

Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against the other relevant Local Plan policies. The site lies in a sustainable location within the settlement development boundary for the town of Brightlingsea and only a short walk from the town centre with a wide range of facilities, bus services and shops. The provision of additional residential accommodation in this location is therefore acceptable in principle, subject to the detailed considerations below.

- 6.9 As the proposal is for one bedroom units only there is no requirement to provide a financial contribution towards public open space improvements.

### **Visual impact**

- 6.10 The only external alterations are replacement windows and doors, and insertion of an escape door on the South elevation. The frontage is already block paved for parking. New boundary fences will be erected to the side and rear boundaries, these works do not require planning permission. There is therefore no resultant harm to visual amenity.

### **Highway safety**

- 6.11 As confirmed above the use falls within use class C3 (dwellinghouses) and for 1 bedroom dwellings a minimum of one parking space per dwelling is required. Notwithstanding this, if assessed as a C2 (Residential Institution) use the parking standards would require a maximum of 1 space per full time equivalent staff and 1 visitor space per three beds. Three off street parking spaces are provided on the frontage which is adequate to meet the needs of the development.
- 6.12 The Highway Authority has no objection and the proposal is considered to result in no material harm to highway safety.

### **Residential amenity**

- 6.13 The neighbour to the immediate north is 32a Church Road which is a residential care home managed by the same care provider. To the immediate south is a pair of semi-detached dwellings (no. 30 and 28) and opposite lie detached and semi-detached dwellings and the Cherry Tree Public House.
- 6.14 The proposal involves the change from two existing bedrooms to a kitchen and living room at first floor level on the rear elevation. This is therefore likely to result in an increase in overlooking towards the enclosed courtyard and facing rear windows of no. 32a from the proposed kitchen, and the rear garden and patio area of number 30 from the proposed living room. Although this will result in some loss of privacy it relates to existing windows in a built up area, and is not therefore considered to be significant or so harmful as to justify refusing planning permission on these grounds.
- 6.15 There is a proposed escape door on the south side elevation facing no. 30. This door is in close proximity to the neighbour's front door and ground floor bathroom windows. This is a solid door so will not result in any overlooking between the two dwellings. A condition is recommended that the door remains unglazed in the interests of the privacy of both the proposed occupant of the flat and the existing occupiers at no. 30.
- 6.16 As stated above the proposal does not involve a change of use to C2 (residential institution) and the works to divide the rear garden into three separate garden areas do not require planning permission. The use of the furthest part of the garden by residents at 32a adjoins their current garden area and is therefore unlikely to result in any material harm to residential amenity in terms of noise.

- 6.17 Each flat is provided with around 72 sq m private rear garden with the ground floor flat having direct access through patio doors. The first floor flat would have to walk around the side of the property to reach their amenity space, however in this location balconies would not be acceptable due to overlooking. The amenity space provided is in excess of that required by saved policy HG9 and draft policy PEO4 and is deemed adequate for the proposed flats.
- 6.18 The proposal is therefore not considered to result in significant harm to the residential amenities of neighbouring occupiers.

Background Papers.

None.