

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | AL | 19/09/2018 |
| Planning Development Manager authorisation: | AN | 20/9/18 |
| Admin checks / despatch completed | P | 21/9/18 |

Application: 18/00752/FUL **Town / Parish:** Thorpe Le Soken Parish Council x10

Applicant: Mr Wylie - Aldanat Care Limited

Address: Barn at Peter House Sneating Hall Lane Kirby Le Soken

Development: Proposed conversion of redundant barns to offices and training room.

1. Town / Parish Council

Thorpe-le-Soken Parish Council No objection.

2. Consultation Responses

ECC Highways Dept The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal would introduce significant numbers of pedestrians into the high speed carriageway of Sneating Hall Lane where there are no pedestrian facilities, no system of street lighting and where the speeds of traffic are expected to be to or in excess of the current speed limit, contrary to the interests of highway safety, particularly pedestrians and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The highway Authority could give favourable consideration to a similar proposal which excluded any access from the proposed development site onto Sneating Hall Lane and all access to and from these rooms being from within the site together with the existing accesses onto Sneating Hall Lane from these barns being permanently closed off.

Building Control and Access Officer No comments at this stage.

ECC Highways Dept AMENDED PLANS DRG No 01 - Rev A DATED 26 JULY 2018

The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
 Colchester Highways Depot,
 653 The Crescent,
 Colchester
 CO4 9YQ

Essex Wildlife Trust No comments received.

3. Planning History

| | | | |
|--------------|---|----------|------------|
| 92/00535/FUL | ('Peterhouse', Sneating Hall, Kirby le Soken) Change from cesspit to sewage treatment plant | Approved | 09.06.1992 |
| 92/00975/FUL | (Peterhouse, Sneating Hall, Thorpe-le-Soken) Proposed extension to form WC, bathroom and double bedroom to be used in conjunction with existing home for the mentally handicapped | Approved | 14.10.1992 |
| 05/00663/OUT | Erection of residential care home for people with learning disabilities. | Refused | 20.06.2005 |
| 06/01635/FUL | Proposed alterations and additions to an existing Class C2 residential home for people with learning disabilities, including means of access, external works and landscaping. | Refused | 17.01.2007 |
| 08/00059/FUL | Proposed alterations and additions to an existing Class C2 residential home for people with learning disabilities, including means of access, external works and landscaping. | Approved | 07.04.2008 |
| 12/00846/FUL | Single storey rear extension to an existing Class C2 residential care home for people with learning difficulties. | Approved | 22.10.2012 |
| 13/00820/FUL | Proposed outbuilding to form an office and gym/therapy room and partial conversion of existing outbuilding to form one unit of accommodation for assisted living to an existing Class C2 care home for people with learning disabilities. | Approved | 21.10.2013 |
| 13/00952/FUL | Single storey rear extension to an existing Class C2 residential care home for people with learning difficulties. | Approved | 14.11.2013 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN1 Landscape Character
- ER7 Business, Industrial and Warehouse Proposals
- ER10 Small Scale Employment Sites in Villages
- ER11 Conversion and Reuse of Rural Buildings
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SPL1 Managing Growth
- SPL3 Sustainable Design
- PP13 The Rural Economy
- PPL3 The Rural Landscape
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Peter House, Sneating Hall Lane. Kirby-le Soken. The site currently supports Sneating Hall, a two-storey detached property and ancillary outbuildings. The buildings on site are used as a Class C2 Use (residential Institutions), specifically, for the accommodation of adults with learning disabilities. Vehicular access is obtained from the site's main entrance from Sneating Hall Lane and from an existing field access. The site is situated outside of any defined settlement limits and approximately one mile from Kirby-Le-Soken and falls within the Thorpe-le-Soken Parish.

The application specifically relates to the redundant barn buildings located to the front of the site.

Description of Proposal

The application seeks full planning permission for the conversion of the existing redundant barn buildings to offices and a training room to be used in connection with the established care home use.

Assessment

The main considerations are;

- Policy Considerations;
- Principle of Development;
- Design and Impact;
- Residential Amenities;
- Biodiversity/Protected Species;
- Highway Safety; and,
- Representations.

Policy Considerations

Paragraph 83 of The National Planning Policy Framework 2018 (NPPF) states that planning policies and decisions should help build a strong, competitive economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 124 of NPPF talks about achieving well-designed places stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments function well, are safe and accessible, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding landscape setting. Furthermore, Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing the landscape. Furthermore Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in rural locations providing they have an acceptable impact on visual amenity. Saved Policy ER7 itself states that in rural locations permission may exceptionally

be granted for extensions to existing businesses where new employment opportunities would be generated providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development makes a positive contribution to the quality of the local environment and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake. Furthermore, saved Policy QL10 of the adopted plan states that all new development should meet functional requirements by ensuring that access to the site is practicable and the highway network will be able to safely accommodate any additional traffic the proposal will generate.

Emerging Policy SPL3 of the Publication Draft states that new buildings should be well designed and should relate well to its site and surroundings and minimise any adverse environmental impacts. Emerging Policy PPL3 of Publication Draft states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural locations providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided which are both addressed in more detail below.

Principle of Development

The proposal relates to existing redundant outbuildings within the existing and well established Peter House Care Home site. The proposal is for the conversion of a rural building to provide training and office space contributing positively to the existing business and the health and care sector.

The proposal therefore meets the aims and objectives of afore-mentioned national and local plan policies.

Design and Impact

The alterations to the building comprise the reconfiguration of existing openings altering windows to doors and closing up some existing openings.

The building itself is sited in a very prominent location directly adjacent to the highway and is therefore clearly publically visible. However, the physical alterations are minor in nature and the overall appearance of the building will be maintained resulting in little street scene impact and a neutral visual impact overall.

Residential Amenities

The building to be converted is located to the north-eastern corner of the site adjacent to the only immediate neighbouring dwelling known as 'Monks Ridge'. Directly adjacent to the building are 2 outbuildings associated with Monks Ridge and the shared boundary is densely vegetated. This disused building being brought back into use in closer proximity to the neighbouring garden than the existing building will result in some additional noise. However, the nature of the intended use for training and offices is for use by staff is unlikely to result in a demonstrable level of harm being contained within the building and softened by the existing buildings and boundary vegetation.

The outside space adjacent to the building could be used unrestricted without planning permission and it would therefore be unreasonable to restrict its use a result of this development.

Biodiversity/Protected Species

Due to the nature and condition of the building a bat survey has been submitted.

The findings and recommendations set out within the report satisfactorily address the potential impact of the development on bats and birds. The mitigation and enhancements will be secured by condition.

Highway Safety

The Highway Authority originally raised an objection to the development due to the likely impact upon pedestrian and highway safety.

Amended information has been submitted. The pedestrian access to the building has been amended and the Highway Authority are now satisfied and no longer raise an objection. Their recommendation of approval is not accompanied with any conditions.

The existing access, parking areas and turning is sufficient to support the proposed addition.

Representations

Thorpe-le-Soken Parish Council raise no objection.

1 letter of objection has been received from the immediate neighbouring property. Their concerns can be summarised as follows;

- Noise and disturbance.

This is addressed in the main report above. Noise and disturbance that amounts to a statutory nuisance would be controlled by Environmental Health legislation and goes beyond what it covered by planning law.

- Unsuitable in rural location.

National and Local Plan policy supports conversion of buildings in rural locations as set out above in the main assessment.

Conclusion

For the reasons set out above, the proposed development is considered to accord with the aims of the afore-mentioned national and local plan policy and does not result in any significant harm that would warrant refusal of planning permission. The benefits of the scheme outweigh and harm and the application is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Rev A and Drawing no. 01 Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The use of the development hereby permitted shall be used solely in association with the established C2 use at the premises known as Peter House, Sneating Hall Lane, Kirby Le Soken, Essex CO13 0EW.

Reason - Any separate/unrelated use may result in unacceptable intensification of the access and site.

- 4 The development hereby permitted shall be carried out in strict accordance with 5.0 CONCLUSIONS AND RECOMMENDATIONS and 6.0 ENHANCEMENTS section of the Bat Survey Report by Liz Lord Ecology dated 16th August 2018 Ref: 1467.

Reason - In the interests of biodiversity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments and additions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
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