

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	18/11/2020
Planning Development Manager authorisation:	TC	19/11/2020
Admin checks / despatch completed	DB	19/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	19/11/2020

Application: 20/00627/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr D Wylie - Aldanat Care Limited

Address: Barn at Peter House Learning Disability Care Home Sneating Hall Lane Kirby Le Soken

Development: Conversion of existing outbuilding into 3 no. self-contained assisted living one bedroom apartments for people with learning disabilities (Revision to approval reference 18/00752/FUL).

1. Town / Parish Council

Thorpe-le-Soken Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept 16.06.2020 The Highway Authority notes that the proposal will not include any changes to the vehicular access, off street parking facilities and that there will be no increase in employees related to this proposal.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No doors or windows shall open over or into the highway and no rainwater harvesting or collection equipment shall oversail or encroach into the highway.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Adult Social Care

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	Approved	14.11.2013

	home for people with learning difficulties.		
18/00752/FUL	Proposed conversion of redundant barns to offices and training room.	Approved	21.09.2018
19/30225/PREAPP	Proposed erection of 10 No. single storey supported living units.		04.03.2020
20/01120/FUL	Erection of 3no. detached one bedroom assisted living units.	Live application	
20/01281/FUL	Proposed single storey extension to provide two 1 bedroom assisted living units (retrospective).	Live application	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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
ER11	Conversion and Reuse of Rural Buildings
HG1	Housing Provision
HG3A	Mixed Communities
HG6	Dwelling Size and Type
HG9	Private Amenity Space
COM5	Residential Institutional Uses
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
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
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP10	Care, Independent Assisted Living
PP13	The Rural Economy
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed

by the Inspector. 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

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 off 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 relates to the redundant barn buildings located to the front of the site directly adjacent to Sneating Hall Lane and the site entrance.

Description of Proposal

The application seeks full planning permission for the conversion and partial rebuild of existing outbuilding into 3 no. self-contained assisted living one bedroom apartments for people with learning disabilities.

This application follows a previous approval under planning application reference 18/00752/FUL for the conversion of the building to offices and a training area associated with the use of the main home.

At the time of the officer's site visit it was noted that part of the building had been demolished and a revised application description and revised plans were secured to reflect this.

Assessment

The main considerations are;

- Policy Considerations;
- Principle of Development;
- Design and Impact;
- Residential Amenities;
- Biodiversity/Protected Species;
- Highway Safety;
- Financial Contribution- Open Space and Play Space;
- Financial Contribution – Recreational Disturbance;
- Other Matters; and,
- Representations.

Policy Considerations

Paragraph 83 of The National Planning Policy Framework 2019 (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.

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 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.

Also of relevance is Saved Policy COM5 (Residential Institutional Uses) of the Tendring District Local Plan 2007 which states that new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies; that the site should not be located away from existing Settlement Development Boundaries; that the development would not create or give rise to a significant material adverse impact on public safety; that there would be sufficient external space to serve the proposal and that the proposal would not result in an overdevelopment of the site.

Policy COM5 is clear in so far that when assessing proposals for extensions to existing residential uses, such proposals are to be considered on their own merits subject to meeting other Local Plan policies and the criteria defined at criterion a) to e) of Policy COM5. Importantly, at criterion a) it states, inter alia, that the site should not be located away from existing settlement development boundaries apart from in exceptional circumstances. However, it is not considered that the policy aims to restrict extensions to existing facilities which are away from defined settlement limits subject to the acceptability of the proposal in relation to all the other criterion requirements.

In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural location providing the proposals can be accommodated without any adverse impacts.

Principle of Development

Whilst it is acknowledged that the site is located outside of any defined settlement development boundary, the location and facilities provided were considered acceptable at the time of the original approval in 1984 and the LPA have subsequently granted approval for alterations and extensions. Peter House is well established and contributes positively to the District from the facilities it provides and the employment opportunities it generates. Furthermore, the site is located on a B Class Road well linked to Kirby-Le-Soken, Frinton-on-Sea and Walton-on-the Naze and all of the facilities these settlements benefit from.

The proposal relates to an existing redundant outbuilding/barn within the existing and well established Peter House Care Home site. The proposal is for the partial re-building and part conversion of a rural building to provide 3 no. self-contained assisted living one bedroom apartments for people with learning disabilities. The proposal ensures the preservation and longevity of a historic building whilst delivering an extension to the existing facilities which will contribute positively to the mix of housing for the area. The wider site provides ample shared amenity space, suitable access and parking.

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 prominent location directly adjacent to the highway and is therefore clearly publically visible. However, the physical alterations are minor in nature. The use of materials such as black weatherboarding and the re-use of bricks and tiles where possible are sympathetic to the semi-rural character of the area and the overall appearance of the building will be maintained. The part re-build and part conversion will therefor result in little street scene impact and a neutral visual impact overall.

Residential Amenities

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives supports these objectives.

The building to be developed/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 outside space adjacent to the building and main building could be used for outside activities in connection with the existing use without the requirement for any further permissions as this forms part of the curtilage and amenity area serving the residents. The nature of the intended use for additional living accommodation associated with the main home will not result in any significant increase in noise or disturbance mitigated by the existing buildings and boundary vegetation.

Biodiversity/Protected Species

Due to the nature and condition of the building a bat survey was submitted with the previous application. This same report forms part of this application.

Following a detailed inspection, the building was assessed as being of moderate suitability for bats, with two dusk / dawn surveys recommended. Two dusk surveys were carried out in July and August 2018, with no bats recorded emerging from the building. Bat activity on site was generally low, and dominated by common and soprano pipistrelles. No further surveys or licences were recommended.

Whilst it is recognised that the partial demolition that has taken place would have likely caused some disturbance, the findings and recommendations set out within the report satisfactorily address the potential impact of the development on bats and birds on the basis that suitable mitigation and enhancements can be secured by condition.

Highway Safety

The existing access, parking areas and turning are sufficient to support the proposed development.

Essex County Council Highway Authority raise no objection subject to conditions which will be imposed where necessary.

Financial Contribution - Open Space and Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

No contribution is being requested by the Council's Open Space Team on this occasion.

Financial Contribution - Recreational Disturbance

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'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

C3 (dwellinghouses) and C2 (residential institutions and care homes) fall under the scope of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Where development will result in an increase in residents, a contribution is required.

The application scheme proposes a residential development resulting in a net increase of residents on a site that lies within the Zone of Influence (Zol) being approximately 1600 metres from Hamford Water SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

No comments have been received from Thorpe-le-Soken Parish Council.

1 letter of objection has been received from the immediate neighbouring property. Their concerns can be summarised and addressed as follows (officer response in italics);

- 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.

Other Matters

The accompanying application form states that foul drainage/water disposal is unknown. Due to the semi-rural location of the site, it is considered necessary to secure these details by condition.

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.

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 (including materials details):

PA-01 A AMENDED EXISTING FLOOR PLAN AND ELEVATIONS
PA-10 B AMENDED BLOCK PLAN
PA-11 A AMENDED PROPOSED FLOOR PLAN AND ELEVATIONS

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 residential/unrelated use may result in an unacceptable intensification of the access and site and would likely result in unacceptable living conditions for residents.

- 4 The development hereby permitted shall be carried out in strict accordance with 6.0 ENHANCEMENTS section and Appendix 2 of the Bat Survey Report by Liz Lord Ecology dated 16th August 2018 Ref: 1467.

Reason - In the interests of biodiversity.

- 5 No doors or windows shall open over or into the highway and no rainwater harvesting or collection equipment shall over sail or encroach into the highway.

Reason - To protect and preserve the integrity and fabric of the highway in the interests of highway safety.

- 6 Prior to the occupation of the units hereby approved, a detailed foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The units shall not be occupied until the works have been carried out in accordance with the foul water strategy as approved.

Reason - To prevent environmental and amenity problems, including any ground water pollution, arising from the system of foul water drainage employed on the site.

8. 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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

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:

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