

## 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:** 20/01120/FUL

**Town / Parish:** Thorpe Le Soken Parish  
Council

**Applicant:** Mr D Wylie - Aldanat Care Ltd

**Address:** Peter House Sneating Hall Lane Kirby Le Soken

**Development:** Erection of 3no. detached one bedroom assisted living units (retrospective).

### **1. Town / Parish Council**

Thorpe-le-Soken Parish Council      No comments received.

### **2. Consultation Responses**

ECC Highways Dept  
03.11.2020

The Highway Authority notes that the proposal is a retrospective application and the proposals will not include any changes to the existing vehicular access, and that there are 25 existing staff members, with approximately 15 working at a time. It is also noted that there is a potential for 3 additional staff members that will be required for these proposed units.

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

1. As indicated on drawing no. PA-10-B, the proposed development shall not be occupied until such time as a domestic car parking for a minimum of one vehicle per dwelling has been provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

2. As indicated on drawing no. PA-10-B each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

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 home for people with learning difficulties.	Approved	14.11.2013
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
20/00627/FUL	Conversion and partial rebuild 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).	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
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
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

### **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.

### Description of Proposal

The application seeks full planning permission for the erection of 3 no. detached single storey 'chalet' style units accommodating one bedroom assisted living units.

The units have already been erected without consent and this application therefore seeks retrospective permission to regularise the development.

The units are sited to the south west portion of the site adjacent to the existing second field access and main parking area.

### Assessment

The main considerations are;

- Policy Considerations;
- Principle of Development;

- Design and Impact;
- Residential Amenities;
- Highway Safety and Parking;
- 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 land within the curtilage of the building forming part of the original planning consent. The development delivers an extension to the existing facilities which will contribute positively to the mix of housing for the area. The site provides ample shared amenity space, suitable access and parking with the addition of 3 parking spaces for the additional 3 staff members or visitors associated with the new units.

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

### Design and Impact

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) Saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The development comprises of 3 single storey chalet style buildings well set back from the highway behind existing dense mature trees and boundary hedgerows. The minor scale of the units and development overall, together with their discreet and well screened siting does not result in any landscape impact or visual amenity harm.

### 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.

The outside space adjacent to the units and the main building provide ample amenity space for existing and future occupants. The units are sufficiently spaced to allow for a good standard of amenity for future occupants.

The units are sited well away from the only neighbouring property, Monks Ridge, and the development will not result in any impact on the amenities of the occupiers of this property.

### Highway Safety and Parking

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

The proposal is a retrospective application and the proposals will not include any changes to the existing vehicular access.

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 (Zoi) being approximately 1600 metres from Hamford Water SPA and Ramsar. New housing development within the Zoi 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.

No representations or objections have been received from nearby residents.

It is noted that Monks Ridge were not directly notified of this application as the red lined site area does not share a common boundary but a site notice was erected at the entrance of the site. Due to the distance retained between the new units and Monks Ridge, there will be no impact on their residential amenities.

#### 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 carried out in accordance with the following approved plans (including materials details):

PA-11	Building 1 Floor Plans and Elevations
PA-12	Building 2 Floor Plans and Elevations
PA-13	Building 3 Floor Plans and Elevations
PA-10-B	Amended Block Plan

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

- 2 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.

- 3 The development hereby approved shall not be occupied until the additional parking spaces shown on approved drawing no. PA-10-B Amended Block Plan been provided in accordance with the Parking Standards. The agreed car parking shall be retained at all times for such purpose.

Reason - To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in the interests of highway safety.

- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments 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.

### 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot  
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