

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	22 nd Jan 2021
Planning Development Manager authorisation:	TF	22/01/2021
Admin checks / despatch completed	DB	22/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	22/01/2021

Application: 20/01633/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Volf - Stour Vally Care Group

Address: Mistley Manor 2 Long Road Mistley

Development: Extension to care home to create additional space for laundry facilities.

1. Town / Parish Council

Mistley Parish Council No objection to this application.

2. Consultation Responses

NHS East Essex CCG No comments received

3. Planning History

93/01376/FUL	(Little Manor, Long Road, Mistley) Change of use from 3 bedroom bungalow to 8 bedroom residential care home for severely disabled adults with physical and severe learning difficulties	Approved	08.03.1994
12/00100/FUL	Extension of the existing Long Furrows Care Home to create and additional 12 bedrooms together with improved living and communal areas. The construction of 15 single storey residential units to provide supported accommodation as part of the care home and the construction of a garden machine store/workshop.	Withdrawn	14.01.2013
12/00996/FUL	Proposed demolition of Little Manor care home. Construction of a new care home and the provision of 4 units for close care accommodation, construction of a garden machine store / workshop.	Approved	08.01.2013
13/00669/FUL	Variation of Condition 2 of 12/00996/FUL, to vary drawings due to additions/changes in design.	Approved	13.09.2013

14/01039/FUL	Variation of condition 1 of 13/00669/FUL to vary drawings to include the addition of a front entrance porch.	Approved	07.11.2014
18/01969/FUL	Provision of additional paved area for car parking.	Approved	04.02.2019
20/01026/FUL	Proposed extension to workshop store to provide Pandemic accommodation.	Approved	25.09.2020
20/01633/FUL	Extension to care home to create additional space for laundry facilities.	Current	

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

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

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP10 Care, Independent Assisted Living

Local Planning Guidance

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site Description

The application site is Mistley Manor, 2 Long Road, Mistley, a care home located within the Settlement Development Boundary of Manningtree.

Description of Proposal

The application proposes a roughly 'L' shaped single storey extension to the east (Clacton Road) elevation. The maximum depth of the projection would be 5.6m and its maximum width would be 7.5m. It would have a flat roof with a maximum height of 3.3m. External it would be finished in self-coloured render to match the existing building. Internally the additional floorspace would provide a much-required enlarged laundry area.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Residential Institutions
- Other Considerations.

Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The application site is surrounded by a solid, rendered wall along its eastern boundary, fronting Clacton Road – this wall is a little under 2.2m high. At 3.3m high, less than a third of it will be visible above the boundary wall – notwithstanding this, not only is new tree planting proposed but established hedgerows are already in place.

Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed laundry would be located a significant distance away from any dwellings and the additional floorspace created is not at a sacrifice of amenity space serving the wider use of the site. Overall the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highways:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal does not generate any need for additional parking nor decrease the existing parking provision.

Residential Institutions:

Residential institutional uses include care homes, nursing homes and other non-custodial institutions. Housing provision should be geared towards particular groups in the population who have special needs, including the elderly, people with disabilities and the homeless. The District Council support the provision of accommodation to meet special needs, but recognises that concentrating such accommodation in small areas can lead to various problems, including the cumulative effect such developments can have on the "image" and tourism function of the resorts concerned. Residential institutions have the potential to accommodate a significant number of residents, employ substantial numbers of staff and receive visits from friends and family.

Therefore, they are best located in accessible locations, ideally within the settlement development boundaries of the District's more Sustainable Urban Settlements.

The development of new residential institutions and changes of use of existing properties to residential institutions will not be permitted within the Control of Residential Institutional Uses Areas in Clacton and Frinton as defined on the Proposals Map Insets. The site is not located within the Control of Residential Institutional Uses Areas in Clacton and Frinton. Outside the Control of Residential Institutional Uses Areas applications for changes of use, new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies. Similar sentiments are carried forward in Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The site is located within the Settlement Boundary of Mistley and the development proposed is a nominal extension in comparison to the overall building which would provide much-needed additional laundry space.

6. Other Considerations

Mistley Parish Council do not object to the proposal

7. Recommendation

Approval - Full

8. 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: 666/41, received 13th November 2020 and 666/40 A, received 27th November 2020.

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

9. Informatives

Application Approved Without Amendment

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO