

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | ER       | 26/02/2021 |
| Planning Development Manager authorisation:                 | SCE      | 02.03.2021 |
| Admin checks / despatch completed                           | ER       | 03/03/2021 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC       | 03.03.2021 |

**Application:** 21/00010/FUL **Town / Parish:** Weeley Parish Council

**Applicant:** Mr M Venkatasami - Weeley Manor

**Address:** Connolly House Nursing Home 23 The Street Weeley

**Development:** Variation of planning condition 5 (car parking spaces ) for approved application 17/02161/FUL.

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

Weeley Parish Council  
15.02.2021

Weeley Parish Council has no comment to make on this application.

### **2. Consultation Responses**

Environmental Protection No Comments

Waste Management  
02.02.2021  
ECC Highways Dept  
22.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and information provided with original planning application: 17/02161/FUL.

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

Informative:

1: As per original planning application 17/02161/FUL, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

2: 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

### 3. Planning History

|                 |   |          |            |
|-----------------|---|----------|------------|
| 01/00896/OUT    | Extension to existing Mental Health Unit  | Approved | 06.08.2001 |
| 01/01373/DETAIL | Extension to existing Mental Health Unit (Details following outline approval 01/00896/OUT)  | Approved | 04.10.2001 |
| 01/01673/OUT    | Amend condition 03 of outline approval no. 01/00896/OUT to allow max. of 30 bed spaces  | Approved | 08.11.2001 |
| 02/01239/FUL    | Change of use to bring land within curtilage of Connolly House Specialist Mental Health Unit  | Approved | 12.09.2002 |
| 92/01344/FUL    | (Connolly House, 23 The Street, Weeley) Two storey extension, erection of shed and greenhouse and variation of Condition 8 of planning application TEN/328/90 to accommodate a maximum of 22 people         | Refused  | 09.03.1993 |
| 93/00490/FUL    | (Connolly House, 23 The Street, Weeley) Two storey extension and erection of shed and greenhouse(resubmission of planning application TEN/92/1344)  | Approved | 22.06.1993 |
| 94/00680/FUL    | (Connolly House, The Street, Weeley) Entrance porch   | Approved | 11.07.1994 |
| 94/00683/FUL    | (Connolly House, The Street, Weeley) Therapy and training classroom for Alzheimer's Disease sufferers   | Approved | 12.07.1994 |
| 94/01086/FUL    | Therapy and training classroom for Alzheimer's Disease sufferers and use of building for three-quarters of an hour three mornings per week as branch GP surgery (scheme revision of permission TEN/94/0683) | Approved | 13.10.1994 |
| 94/01451/FUL    | (Connolly House, The Street, Weeley) Therapy and training classroom for Alzheimer's Disease sufferers (Design revisions of permission TEN/94/1086)  | Approved | 12.01.1995 |

|              |   |          |            |
|--------------|---|----------|------------|
| 94/01527/FUL | (Connolly House, 23 The Street, Weeley) Garden shed   | Approved | 01.02.1995 |
| 95/00592/FUL | (Connolly House, 23 The Street, Weeley) Removal of condition 4 of permission TEN/94/0683 to enable additional use of therapy and training classroom as day care/advice/help centre for the elderly                  | Approved | 18.07.1995 |
| 96/00934/FUL | Renewal of TEN/95/0592 - removal of Condition 4 of TEN/94/0683 to enable additional use of Therapy and Training classroom as Day Centre/Advice/Help Centre for elderly and removal of condition 3 of TEN/94/1527 to | Approved | 01.10.1996 |
| 99/01527/FUL | Extension, covered way and change of use from day care centre to annexe for Connolly House providing 5 additional bedrooms  | Approved | 15.12.1999 |
| 06/00043/FUL | Single and two storey additions and internal alterations to provide 7 bedrooms and support facilities.  | Approved | 15.03.2006 |
| 90/00328/FUL | Alterations, rear and side extensions and change of use to nursing home for the elderly mentally ill.   | Approved | 26.06.1990 |
| 14/00202/FUL | Conservatory extension.   | Approved | 22.04.2014 |
| 17/02161/FUL | Change of use to sheltered accommodation for the retired over 55s.  | Approved | 16.03.2018 |
| 21/00010/FUL | Variation of planning condition 5 (car parking spaces ) for approved application 17/02161/FUL.  | Current  |            |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

COM1 Access for All

COM5 Residential Institutional Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design  
HP2 Community Facilities  
LP2 Housing Choice  
LP10 Care, Independent Assisted Living

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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 (including Site Description and Proposal)**

### **Application Site**

The application site comprises of a selection of two storey buildings with parking areas spaced amongst the buildings. The site has previously received planning permission for "change of use to sheltered accommodation for the retired over 55s" under planning permission 17/02161/FUL.

### **Proposal**

This application seeks permission for variation of planning condition 5 (car parking spaces and bin storage) for approved application 17/02161/FUL.

### **Assessment**

### History

This application seeks a variation to a previously approved application under planning permission no 17/02161/FUL for Change of use to sheltered accommodation for the retired over 55s..

This previous permission contained a condition

"The property shall be provided with 19 parking spaces and 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."

This new applications seeks reduce the parking at the site from 19 spaces specified above to 16 spaces.

### Highway Safety

The Essex County Council Parking Standards states that for retirement units 1no space should be retained per dwelling along with accommodation for parking for members of staff on the site. The proposed development under planning permission 17/02161/FUL allows for the total of 19 Spaces which is under the requirement. Whilst the proposal will see a further reduction in parking it is noted that the dwellings themselves will only contain one bedroom with occupants over 55 in age likely to have only access to one vehicle or none at all. It is also noted that Weeley itself has good transport networks with a high probability that occupants will use public transport.

Furthermore the proposal will allow for the accommodation of more adequate bin storage.

As a result of the above and in the absence of an objection from Essex county Council Highways the proposal is considered not to contravene highway safety.

### Design and Appearance

The proposal is an appropriate change to the previously approved application which will change only the parking at the site with no external buildings/ alterations proposed. As a result of its nature the proposal would not result in a detrimental impact to the character and appearance of the existing building and street scene.

### Impact to neighbours

Due to its nature and distance from neighbouring properties the proposal will not result in a loss of residential amenities to the nearby houses.

### Other Considerations

Weeley Parish Council have no objection to the application.

There have been no letters of representation received.

### Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before 16th March 2021.

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 used solely as sheltered accommodation in accordance with the details specified in the submitted document prepared by Astracare (UK) Ltd - dated 21st February 2018. The building shall not be used for any other purpose

including any use in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification), and no further sub-division of the premises to form additional units shall be carried out without the express consent of the Local Planning Authority first having been obtained by an application made in that behalf.

Reason - In the interests of residential amenity and highway safety.

- 3 The sheltered units hereby approved shall be occupied only by persons aged 55 years or over.

Reason - For the avoidance of doubt and to ensure that the development is as applied for and in the interests of highway safety and amenity to ensure the development remains compatible with the area, as insufficient parking provision is made for general market occupancy dwellings.

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 5 The property shall be provided with 16 parking spaces and 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.

- 6 Prior to the commencement of the development the details of the amount, location and design of cycle parking facilities shall be approved in writing by the Local Planning Authority. The approved facility shall be secure and shall be provided prior to occupation of the development and retained for that purpose at all times.

Reason - To ensure an appropriate level of parking facility for powered two wheelers is provided in the interest of highway safety.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor communal kitchen window in the south facing elevation of the southernmost building shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: 4930-1-5, 4930-1-6 and 1/714.

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

## **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.

#### Environmental Protection Informative

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

#### 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:

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