

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	BO'B	28.01.2022
Planning Development Manager authorisation:	JJ	28/01/2022
Admin checks / despatch completed	CC	28.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/01/2022

Application: 21/01715/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Dhanak - Peter House Care Ltd

Address: Peter House Sneating Hall Lane Kirby Le Soken

Development: Proposed single storey extension and conversion to create 3 one bedroom assisted living units (Class C2).

1. Parish Council

No response received

2. Consultation Responses

ECC Highways Dept

01.12.2021

The Highway Authority notes that the proposed living units will be accessed from the existing car park and no new or altered means of access is proposed for the site. It is noted that there are 25 existing staff members, with approximately 15 working at a time and as far as can be determined from the supporting information the staffing levels will be unchanged, considering these factors:

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

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 or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,

Colchester, CO7 7LT

2: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. To ensure that appropriate loading / unloading facilities are available during the construction period.

Housing Services No response

Environmental Protection No response

UU Open Spaces
25.11.2021 Response from Public Realm
Open Space & Play

Application Details

Application No: 21/01715/FUL

Site Address: Peter House Sneating Hall Lane Kirby Le Soken Frinton on Sea

Description of Development Proposed single storey extension and conversion to create 3 one bedroom assisted living units.

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby.

Recommendation

No contribution is being requested by open spaces on this occasion.

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).	Approved	19.11.2020
20/01120/FUL	Erection of 3no. detached one bedroom assisted living units (retrospective).	Approved	19.11.2020
20/01281/FUL	Proposed single storey extension to provide two 1 bedroom assisted living units (retrospective).	Approved	08.12.2020

21/00001/DISCON	Discharge of condition 4 (foul sewage) of the approved planning application 20/01120/FUL.	Approved	28.04.2021
21/00140/DISCON	Discharge of condition 6 (Foul Water Strategy) of the approved planning application 20/00627/FUL.	Approved	10.03.2021
21/01715/FUL	Proposed single storey extension and conversion to create 3 one bedroom assisted living units.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Practice Guidance

NPPF National Planning Policy Framework July 2021

Local:

Tendring District Local Plan 2013-2033 and Beyond

Relevant Section 1 Policies

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Relevant Section 2 Policies

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

LP1 Housing Supply

LP2 Housing Choice

LP10 Care, Independent Assisted Living

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively).

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

Peter House is a privately owned care home on an 8 acre site comprising of woodland and gardens. The existing building which is subject to this application has previously been in use as an office and gym under planning permission reference 13/00820/FUL.

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. It falls within the Parish of Thorpe-le-Soken.

The Proposal

The application seeks to erect a single storey extension to an existing building within the site and then subsequently convert this to create 3 one bedroom assisted living units.

The proposed extension would have an eaves and ridge height to match the existing building and the materials proposed would also match the existing building.

Principle of Development

The application site is situated outside of the Settlement Development Boundary as defined in the Tendring District Local Plan 2013-2033 and Beyond.

Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Policy SPL2 of the 2013-2033 Local Plan does not include the site within any defined SDB. In the first instance the proposal for 3 one bedroom dwellings in this location outside the SDB is contrary to the relevant adopted spatial policies.

Policy PP13 explains how the Council wishes to support the growth of rural businesses and states that in rural locations permission may be granted for conversion or re-use of rural buildings in the countryside to employment use, where appropriate to the historic environment and subject to detailed consideration, including against other policy requirements in the Local Plan.

Policy LP10 supports the provision of new care housing outside of settlement development boundaries where they will still support a sustainable pattern of growth in the District. Such developments must either:

- a. be located on a site safely accessible on foot within 800 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', 'smaller urban settlements' or 'strategic rural service centres'; or
- b. be located on a site safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'.

All new care homes and extra care housing must pay particular attention to landscape character if located outside of settlement development boundaries and offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. Proposals shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location.

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 at the facility.

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 is in reach of the facilities on offer within these settlements. The proposal relates to land within the curtilage of the building forming part of the original planning consent for the overall site.

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 and is considered to have a neutral impact on the landscape, residential amenity, highway safety and the form and character of nearby settlements.

Therefore, notwithstanding that the site is outside of a settlement boundary, the proposal complies with the tenet of Policy PP13 and the requirement of Policy LP10 and on balance, the proposal meets the aims and objectives of national and local plan policies.

Character and Appearance

Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 130 of the Framework requires developments are sympathetic to local character and history, including the surrounding built environment, and are visually attractive as a result of good architecture.

Policy SP7 sets out the place shaping principles all new development should follow. The first point of this policy states that development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The application proposes an extension to an existing building. The extension would be of a minor scale and would have materials that would match the existing building.

Given the appropriate scale of the proposal together with the existing arrangement of buildings on the site and their continued use, it is considered that the proposed development would not result in any landscape impact or visual amenity harm.

Living Conditions of Existing and Future Residents

Paragraph 130 (f) of the National Planning Policy Framework (2021) states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy SPL3 of the Tendring District Local Plan 2013-2033 supports these objectives.

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

The proposed units would be sited well away from the only neighbouring property, Monks Ridge, and it is considered that the development would not result in any impact on the amenities of the occupiers of this property by way of noise, disturbance, overbearing, overshadowing or overlooking.

Highways

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Policy SPL3 and Policy CP1 of the emerging Tendring District Local Plan 2013-2033 state 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 and the design and layout of the development provides safe and convenient access for people. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

The Highways Authority were consulted with regards to the application. The Highways Authority note that the proposed living units will be accessed from the existing car park and no new or altered means of access is proposed for the site. It is noted that there are 25 existing staff members, with

approximately 15 working at a time and as far as can be determined from the supporting information the staffing levels will be unchanged.

Therefore, no objection is raised on Highways grounds and the proposal is considered to be policy compliant.

Financial Contributions - Open Space and RAMS

(i) Open Space

Paragraph 34 of the NPPF states that development plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure.

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby, however, no contribution is being requested by open spaces on this occasion.

(ii) Habitat Regulations Assessment

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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Colne Estuary RAMSAR and SPA and Essex Estuaries SAC, mitigation measures will need to be in place prior to occupation.

Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings that are located within Zones of Influences (which the above site falls within). The financial contribution is £125.58 per dwelling and will be secured through the Unilateral Undertaking process.

Please see this link for further information - <https://www.tendringdc.gov.uk/essex-coast-recreationaldisturbance-avoidance-and-mitigation-strategy-rams>

The applicant has entered into a Unilateral Undertaking with Tendring District Council wherein the applicant has agreed to make the necessary financial contributions for RAMS contributions.

Representations

No comments from the Parish Council or any other third party representations have been received.

Conclusion

The proposal is considered acceptable in principle in accordance with the policies contained within the local development plan and the National Planning Policy Framework (2021). In the absence of any identified material harm that may be caused by the development, the application is 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:

- Site Location Plan
- Proposed Block Plan PA11
- Proposed Elevations and Floor Plan PA10
- Existing Elevations and Floor Plan PA01
- Planning Statement

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

3. The building shall be used for C2 use only in association with the established C2 use at the premises known as Peter House, Sneating Hall Lane, Kirby Le Soken, Essex CO13 0EW, and for no other purpose including any other purpose in Class C 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).

Reason - Any other use may result in an unacceptable impacts on the site, its surrounds and the amenity of nearby residents.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO