

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	29.06.2022
Planning Development Manager authorisation:	JJ	30/06/2022
Admin checks / despatch completed	DB	30.06.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.06.2022

Application: 22/00588/FUL **Town / Parish:** Mistley Parish Council

Applicant: T Sage - Acorn Villages Ltd

Address: Acorn Village Community Clacton Road Mistley

Development: Proposed erection of wellness room.

1. Town / Parish Council

Mrs Susan Clements
05.05.2022

At its Planning Committee Meeting on the 5 May 2022, the Parish Council recommended approval.

2. Consultation Responses

Essex County Council
Heritage
20.05.2022

This follows previously approved application 21/01584/FUL for a similar proposal.

The development site is in close proximity to the following Grade II listed buildings:

- Mistley Hall (List UID: 1261102)
- Walled Garden and Gardeners Shed Attached to South of Mistley Hall (List UID: 1240274)
- Folly Bridge Approximately 35 Metres South East Of Mistley Hall (List UID: 1261103)

Given the existence of a large number of existing single storey buildings in the former designed gardens of Mistley Hall, and the presence of mature forest, the proposals would result in no additional impact on the setting of the designated heritage assets.

There is therefore no objection to this application

NHS East Essex CCG

No comments received

Building Control and
Access Officer

No comments received

Tree & Landscape Officer
05.05.2022

There are three hedging conifers (Cupressocyparis 'Leylandii') situated close to the position of the proposed new structure. The trees have been significantly reduced in size and do not make a positive contribution to the public realm nor to the character and appearance of the Conservation Area

No important trees or other vegetation will be adversely affected by the development proposal.

There is little public benefit to be gained by any new soft landscaping associated with the development proposal

3. Planning History

91/00237/FUL	Extension to existing weavery building.	Approved	10.04.1991
10/01173/FUL	Single storey extensions to existing handicraft unit for creative, therapeutic and educational purposes for use in conjunction with the existing residential care home.	Approved	25.01.2011
14/01902/FUL	Erection of building to provide assisted living accommodation containing 8 bedrooms with associated parking areas (use class C2).	Approved	17.02.2015
15/01114/DISCON	Discharge of conditions 03 (materials), 05 (landscaping scheme) and 07 (illumination details) of planning permission 14/01902/FUL.	Approved	03.08.2015
21/01584/FUL	Proposed construction of wellness room on the grounds of Acorn village.	Approved	01.12.2021
22/00029/DISCON	Discharge of condition 3 (Detailing new windows and their surrounds) of application 21/01584/FUL.	Approved	28.01.2022

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
PPL9 Listed Buildings

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

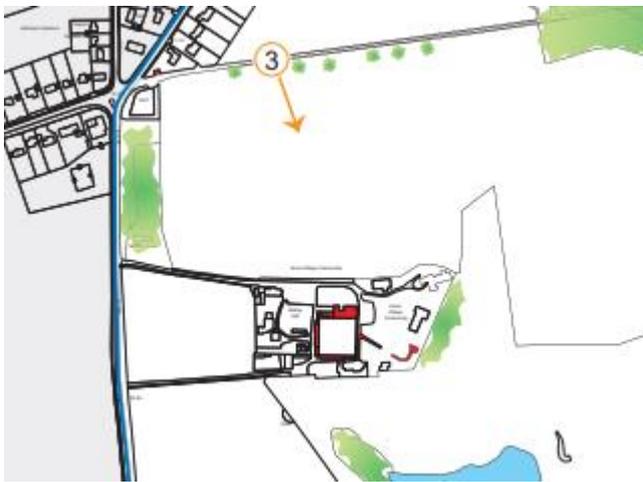
Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This 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), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is located on the eastern side of Clacton Road and is sited close to the southern boundary towards the rear of the wider Acorn Village site as a whole. The wider Acorn Village site comprises Mistley Hall, a Grade II Listed building, The Walled Garden and Folly Bridge which are also Grade II Listed, along with a number of outbuildings, café, accommodation buildings and associated car parking areas spread over a wide area. The Acorn Village site is operated as a residential care home/supported living centre for adults with learning disabilities. There are also a large number of trees within the wider site which are protected under Tree Protection Order 10/00030/TPO.

The site is within the Manningtree and Mistley Conservation Area and is within Flood Zone 1, which has a low risk of flooding. The surrounding area is rural in nature, as can be seen from the plan below, with the main settlements of Manningtree and Mistley to the north. There are a number of significant views within the conservation area, close to the wider Acorn Village site, particularly No. 3 from Shrublands Road, looking across to the Acorn Village development. Dairy House a Grade II Listed Building is located to the north east of the site.



Proposal

The application seeks planning permission to construct an outbuilding to be used as a 'Wellness/Garden Room' for use by staff and volunteers in conjunction with their work at Acorn Village. The application is accompanied by a Heritage Statement. This is a revised submission to 21/01584/FUL, the building proposed in this application is slightly smaller than that previously approved.

The garden room measures 3.45m deep, 6.45m wide and has a flat roof with an eaves height of some 3.15m.

The proposed external materials are Larch Cladding to the vertical sides with grey composite roof cladding and softwood timber painted anthracite grey windows and doors. Construction is proposed to use a shallow dig raft foundation system so as to not disturb any tree roots. Tree protection measures are indicated on the submitted plan P01.

The main considerations for this application are the design and appearance (including the heritage impact), impact on residential amenity, impact on trees and Highways and parking concerns.

Design, Appearance and Impact on the Character of the Conservation Area and the Listed Buildings

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. (Para 126 NPPF).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. These requirements are reflected in Saved Policy EN23 of the Tendring District Local Plan (2007) and Emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy EN17 and Emerging Policy PPL8 seek to preserve or enhance the character or appearance of the Conservation Area. Development outside the conservation must not prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views (EN17).

Paragraph 194 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 202 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

A heritage statement has been submitted with the application in accordance with the above requirements.

The proposed building is considered to be small scale in nature and is sited close to the southern boundary of the site. The existing trees and shrubbery provide substantial screening from Mistley Hall (the listed building), which is some distance away from the proposed building and would not impact the setting of the Listed Buildings. It is also considered by virtue of its location on the southern boundary that the building would be well screened within the site from wider public vantage points within the Conservation Area, particularly the significant views from Shrublands Road and the design, size, siting and scale of the proposed building is such that it would have a neutral impact on the character and appearance of the conservation area. The proposed building is to be timber clad and the fenestration detailing faces the boundary of the site and open fields. The proposed building is considered to blend in well with the larger built form of the Acorn Village site and is not a prominent feature in the wider landscape from Clacton Road from the south.

Details of the proposed windows have been submitted with the application. A condition is required to be added to the Planning Permission for any new rainwater goods to be black powder coated or black painted metal.

Therefore the proposed wellbeing building is acceptable and policy compliant in these regards.

Impact on Neighbouring Amenities

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. 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 emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is part of the wider Acorn Village site which does provide residential accommodation, however there are no other neighbouring properties close by that would be impacted by the development in any regard. As the proposed building is to be used as part of the wider Acorn Site, it is not considered that it would detrimentally impact on the living conditions of the residents.

Therefore the proposal is considered to be acceptable and policy compliant in these regards.

Trees

The wider site is subject of Tree Preservation Order - 10/00030/TPO, however the location of the proposed building is away from any protected trees. The Council's tree officer has visited the site and has confirmed the information provided by the applicant is sufficient to demonstrate that the development proposal can be implemented without causing harm to the neighbouring conifers or to any other trees on the land. Therefore the proposal is acceptable subject to a condition securing the implementation of the tree protection measures proposed.

Highways and Parking

The proposal does not alter or increase the parking provision required at the site.

Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site, press notice and neighbouring consultation letters sent out to the adjacent properties.

Conclusion

In the absence of material harm resulting from the proposed works, the application is recommended for Approval.

6. Recommendation

Approve – Full

7. Conditions / Reasons for Refusal

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 plan(s) and documents:

Drawing No: P01 Rev B	Proposed floor plans and elevations
Drawing No: P02	Windows details
Drawing No: P03	Site Plan
Tree protection measures	
Heritage Statement	

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

3. All new rainwater goods should be painted black metal or black powder coated metal and shall be permanently maintained as such.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO