

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	24 th Oct
Planning Development Manager authorisation:	SCE	14.11.2022
Admin checks / despatch completed	CC	14.11.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.11.2022

Application: 22/00861/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Darren Harkin - Waltham Forest Council

Address: Brick Barn Residential Care Home 106 Walton Road Kirby Le Soken

Development: Proposed removal of existing roof on bungalow and replace with new roof to provide two additional bedrooms.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
24.06.2022

Recommends - Refusal - agreed with Essex Heritage comments and overdevelopment, wrong location for this proposal and infrastructure not safe.

2. Consultation Responses

Essex County Council
Heritage
09.09.2022

The application is for Proposed removal of existing roof on bungalow and replace with new roof to provide two additional bedrooms. This follows our previous advice dated 22nd June 2022 and submission of revised proposal.

While the proposed roof has now been lowered, the design of the first-floor extension is very similar to the previous revision and is not considered to resolve the issues previously raised regarding the scale and the design of the proposed development. The mass of the proposed annexe is still not subservient to the host building.

The existing building was originally built in the 1980s as a double garage and was lately converted to be used as accommodation for the staff of the care home and extended with the existing one-storey east range and the addition of the two dormers. While it still retains an appropriate scale for an outbuilding/annex to Brick Barn, the ancillary building is of unsympathetic design and materials which would be retained and replicated in the proposed first floor extension. Moreover, the proposed roof design would contribute to increase the scale/mass of this outbuilding and would detract from the significance of Brick Barn as a non-designated heritage asset.

It is noted that a much smaller and sympathetic first floor extension, as previously suggested, might not provide sufficient floor space and headroom to guarantee an adequate provision for the additional bedrooms and bathrooms required by the applicant. I would advise that the applicant engages in a separate pre-application process to investigate the potential for the extension/conversion of this site, including the possibility to demolish the existing annex and replace it with a more sympathetic building which would contribute to preserve the special interest of this non-designated asset.

As previously advised, Brick Barn is a building of significant architectural merit which could have the potential to be listed. Some of the building dates back to 1620 with later Edwardian additions and it still retains much of the original timber structure and historical features of architectural interest. Due to its prominent position within the streetscape of this part of Kirby Le Soken, it is considered to positively contribute to the local character and distinctiveness. Should the applicant wish to proceed with a pre-application process as advised, any further proposal for this site should be supported by a heritage assessment providing sufficient information regarding the significance of the heritage asset affected, including any contribution made by its 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, a requirement set out in Paragraph 194 of the NPPF. This information was not provided at this stage, making the current application incomplete.

The proposal is still considered to have a detrimental impact upon the significance of a non-designated heritage asset. As such, Paragraph 203 of the NPPF is relevant and the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset.

3. Planning History

01/00118/FUL	Side and rear extension	Approved	25.06.2001
19/00834/FUL	Proposed change of use to HMO. (No External Changes)	Approved	
19/01532/FUL	Proposed change of use from care home to HMO.	Refused	09.12.2019
20/00202/FUL	Change of use from C2 Care Home to Sui Generis Hostel for the Homeless.	Approved	11.09.2020
21/01827/COUNOT	Proposed change of use from Sui Generis Hostel for the Homeless to C2 Care Home.	Approved	
21/01987/VOC	Variation of condition 3 of application TEN/636/89, to allow the bungalow to be used as accommodation for sibling children within a family unit, whilst still retaining the clear connection to the existing main care home.	Approved	15.03.2022
21/01988/COUNOT	Proposed change of use from Sui Generis Hostel for the Homeless to C2 Care Home.	Approved	
22/00095/VOC	Variation of condition 2 of application TEN/636/89, to allow the bungalow to be used as accommodation for sibling children within a family unit, whilst still	Approved	

retaining the clear connection to the main house.

22/00861/FUL Proposed removal of existing roof on bungalow and replace with new roof to provide two additional bedrooms. Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP5 Employment
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP10 Care, Independent Assisted Living
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

The application relates to Brick Barn Residential Care Home located at 106 Walton Road within the Parish of Kirby-le-Soken. The site lies on the southern side of Walton Road and comprises a large, two storey property with outbuildings and garden area to the rear. The premises currently lies vacant and has done for some time.

The site is located on the eastern edge of the village with existing dwellings to the west and opposite. The land to north-east and south becomes more rural in character mostly comprising large areas of agricultural land and associated farm buildings. The eastern boundary of the site is enclosed by mature vegetation and trees screening the building as you enter the village.

The site lies within the extended Kirby-le-Soken Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond.

The application relates specifically to the existing detached bungalow to the rear of the main home. The bungalow was formerly a garage / outbuilding used in connection with the main home but was converted to staff accommodation under planning application reference TEN/636/89.

Relevant History

When the building was last in use, it operated as a Care Home (falling under Use Class C2 as defined within the Town and Country Planning Use Classes Order (as amended)). There is no distinction between a residential care home for children and a care home for the elderly, nor is there any distinction between the ages of residents of a care home defined within Use Class C2.

The lawful use of the premises is therefore a Class C2 Residential Institution (care home). The former use and proposed use therefore fall within a Class C2 Use. Movement from one primary use to another within the same use class is not development, and does not require planning permission. The previous application for a change of use was not required and the proposed children's care home use can commence at any time as the building's lawful use is that of a C2 Residential Institutional Use.

The bungalow to the rear of the main building has been given consent to be used as staff accommodation in connection with the care home under planning application TEN/636/89. There is no scope for the bungalow to be used as anything other than ancillary C2 accommodation without first applying to remove the restrictive condition.

Proposal

The application relates to alterations/additions to the roof including the raising of the ridge by approximately 0.7m, a reorientation of the ridge line from a north/south direction to an east/west direction, the continuation of the roof in an eastern direction to enlarge the habitable accommodation and the insertion of one front and one rear dormer.

Principle of Development

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

Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Within Tendring District there is a wealth of historic structures, landscapes and other features which are not formally designated as heritage assets on the national list prepared by Historic England. The Council does however recognise their local historic significance. These kinds of 'non-designated' heritage assets can be 'locally listed' by the Council. The Council has therefore commenced work on a 'local list' which will identify and protect these assets of local importance. The Council will work with community groups, landowners and Historic England to prepare a local list for the district." However, other than those buildings that are locally listed in the Alresford Neighbourhood Plan, at present there is no District-wide 'local list'.

The national Planning Practice Guidance (PPG), paragraph 039 advises that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough significance to merit identification as NDHAs. The PPG states that in some cases, local planning authorities may identify NDHAs as part of the decision making process on planning applications, as appears to be the case here. However, the PPG, in paragraph 040 further states that irrespective of how they are identified it is important that the decisions to identify them as NDHAs are based on sound evidence.

The Historic Environment Officer considers the Brick Barn to be a non-designated heritage asset (NDHA). This does not of itself demonstrate that the building is designated as such. There is no evidence of the building being identified as a NDHA on any local list, nor has the building been identified in a Neighbourhood Plan as a building to be locally listed. The Council states that Brick Barn is considered NDHAs because of its significant architectural merit which could have the potential to be listed. Some of the building dates back to 1620 with later Edwardian additions and it still retains much of the original timber structure and historical features of architectural interest. However, the bungalow to the rear (subject to this application) is a much later addition with no historical or architectural interest. Therefore as part of this application the consideration is if the proposed alterations to the detached bungalow would adversely affect the setting of the host building.

The scale of the proposed roof alterations have been reduced significantly since the first submission. The overall resultant bungalow is no greater in build-parameters than the new bungalows constructed within close proximity the application site (circa 10m). For these reasons the development respects existing street patterns, is sympathetic to local character and does not adversely affect the setting of the host building.

Impact on Residential Amenities

The NPPF, at paragraph 130 states that development should create 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. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The alterations/additions to the bungalow are to the north of No. 104, for this reason the development would have very little impact on the passage of the sun as it moves anti-clockwise. It is acknowledged that the building is enlarged in the roof space but it doesn't extend outside of the existing envelope of built form. The rear facing dormer does contain two small windows, these are indicated on the plans as having obscure glazing with only the top fanlight openable for ventilation purposes. For these reasons the development will protect the amenity of existing and future residents and users with regard to loss of light, overbearing and overlooking.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

In view of the existing use of the bungalow as ancillary accommodation, the proposal does not generate any additional requirement for parking nor does it diminish the existing level of parking.

Representations

Three letter of objection have been received following the publicity of the application; these were received prior to the submission of amended plans.

We opposed the original children's home application on this site	C2 is the established use of the site
Building a new roof on the 'bungalow' would significantly reduce the amount of natural light coming through the windows of the back of our house possibly at first floor as well as ground floor level.	The amended plans significantly reduced the bulk of the roof addition. See Residential Amenity section above
We hope youngsters will not cause havoc around our home, we hope they will be kept away from our cars and property.	C2 is the established use of the site
The speed limit should be 20m.p.h.	Noted
Replace with new roof to provide 2 more bedrooms it would not be a bungalow	The proposal is for rooms within the roof slope as shown on the plans. Regardless of the definition of a bungalow the proposal has been considered on the basis of the proposal as shown on the amended plans.

Frinton & Walton Town Council comment that they agree with Essex Heritage comments and objection to the proposal on the basis of overdevelopment, wrong location and infrastructure not safe. These concerns have been addressed in the report above.

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 plan:- 4953-113 PL4 (received 8th September 2022).

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

- 3 The residential accommodation to which this application relates ("the bungalow") shall only be occupied as accommodation for sibling children within a family unit solely in connection with the main care home building known as Brick Barn Residential Care Home, and shall not be used as a separate or unrelated unit of residential accommodation.

Reason - For the avoidance of doubt as to the extent of the permission.

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 Applicant, 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.

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