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Item No: 7.5

Application: 182206

Applicant: C/O Agent

Agent: Mr Mark Potter

Proposal: Part removal of existing pitched roof and addition of upper floor extension to provide 9 new residents rooms and ancillary accommodation.(REVISED PLANS AND DOCUMENTS RECEIVED)

Location: Aveley Lodge, Abberton Road, Fingringhoe, Colchester, CO5 7AS

Ward: Mersea & Pyefleet

Officer: Eleanor Moss

Recommendation: Approval with conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Davidson called this application in for the following reason:

Excessive overdevelopment of the site. Insufficient parking for staff, service vehicles & visitors. Increased impact of traffic, lighting & noise from extra care residents on nearby residential properties. No parking for contractors while building. On road parking creates a hazard when overtaking stationary vehicles next to a blind corner.

2.0 Synopsis

- 2.1 The key issues for consideration are the living conditions of the occupiers of neighbouring properties, highway safety and parking, the character and appearance of the area, trees and landscaping, flood risk and ecology. On balance, these are considered to be in conformity with local and national planning policy.
- 2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The application site relates at a well established care home. Aveley Lodge, a single storey building, is located within an established ribbon of development on the northern side of Abberton Road, Fingringhoe. The site has a wide frontage on to the road – in comparison with the other properties in the vicinity – but tapers markedly towards the rear. The area to the front of the building is currently used for parking and servicing space for the care home. The site is relatively level and established trees and hedging are located on the boundaries, in particular those shared with the dwellings immediately to the east and west of the site.

4.0 Description of the Proposal

- 4.1 A first-floor extension and alterations to Aveley Lodge Residential Care Home are proposed. The proposal seeks to increase the number of rooms by three on the ground floor. The number of bedrooms will increase from 25 to 28. This is achieved by:
- relocating the entrance into the centre of the building and converting the original entrance area into new residents' rooms,
 - relocating the existing rear laundry room into a small single storey side extension on the right hand side of the building, and converting the existing laundry into a new resident's room; and,
 - adding a small single storey side extension on the right hand side of the building to create one new room.
- 4.2 The proposal seeks to increase the parking provision on site from 13 car parking spaces to 17 car parking spaces.

- 4.3 The first floor extension seeks to provide offices, a staff room and an IT room on the first floor.

5.0 Land Use Allocation

- 5.1 C2 use (care home)

6.0 Relevant Planning History

- 6.1 This site has an established use for an elderly persons' care home – the initial permission having been granted in 1988 for a change of use. A subsequent enlargement of the building was allowed in 1993 – in order to provide an additional six bedrooms, staff room, bathroom, lounge and dining room. The site has been expanded over time, in 1995, 2001 and 2014, to provide a total of 25 beds. This proposal seeks to increase the bed provision to 28.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

H3 - Housing Diversity

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ENV2 - Rural Communities

ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity

DP17 Accessibility and Access

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP21 Nature Conservation and Protected Lanes

DP25 Renewable Energy

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA CE1 Mixed Use Sites

SA H1 Housing Allocations

- 7.5 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
1. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
2. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide

External Materials in New Developments

EPOA Vehicle Parking Standards

Community Facilities

Sustainable Construction

Cycling Delivery Strategy

Planning for Broadband 2016

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

Highway Authority - From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to recommended mitigation and conditions.

Environmental Protection – No objections

Contaminated Land Officer – No objections

Archaeological Advisor – No objections

Arboricultural Officer – No objections

9.0 Parish Council Response

9.1 The Parish Council have stated the following objection:

The application was considered at the Parish Council meeting on 16th October 2018 and the proposals were objected to on the following grounds:

- * The proposed extension represents overdevelopment of the site
- * The car park is already full and visitors park along the road on a corner and on the Dudley Road estate opposite. There will be insufficient parking available for the additional rooms proposed. The site is on a corner and vehicles parked on the road are likely to result in an accident.
- * Visual splay from the entrance/exit is insufficient in either direction
- * The size of building resulting from the development will adversely impact on the street scene and is not suitable for a village location.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

- Impact upon highway safety
- Lack of parking
- Impact upon amenity
- Overdevelopment of site
- Impact upon street scene

11.0 Parking Provision

11.1 The scheme complies with the adopted car parking standards. This will be discussed in full in the main body of the report.

12.0 Accessibility

12.1 Given the site is already a care home, the site already contains a number of accessible provisions. The amendment proposed will enable continued wheelchair accessibility for the residents to all parts of the ground floor that they are allowed to access.

13.0 Open Space Provisions#

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle

16.1 Core Strategy Policy H3 supports developments such as these that provide support and care for vulnerable people in society and increase the range of healthcare facilities in the Borough.

16.2 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Fingringhoe. Given this, the proposal is considered to be acceptable in principle.

16.3 On balance, the site is a suitable location for the development having regard to the development plan and the NPPF.

Impact upon amenity

16.4 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

16.5 In this instance, the revised scheme provides first floor side facing windows that serve the staff room and an office. Given these are not considered to be habitable accommodation, it would be acceptable to ensure these windows are obscure glazed and limited opening in order to preserve the amenity of the neighbouring occupiers. Two first floor windows are proposed at the rear of the proposed first floor addition (facing towards the open fields to the north west). It is not considered these windows would harmfully overlook the neighbouring properties. Furthermore, taking into consideration the orientation, it is not considered that the proposal would result in significant overshadowing of the neighbouring properties.

16.6 Concerns have been raised by neighbouring residents about noise and smell issues from the current site. However, the Environmental Protection team has not objected to this scheme. It is not considered that the development would create noise and smell that a refusal on this basis could be sustained on appeal.

Design

- 16.7 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.8 The local area comprises of predominantly two storey residential dwellings of traditional form and design along with some single storey bungalows in a ribbon of development. The scheme has been amended significantly since the original submission in order to reduce the amount of first floor built form. A small portion of the proposal seeks permission for a first floor addition, with the rest of the scheme being provided by amending the ground floor layout. The overall height of the proposal is two storeys high which is considered to be in keeping with the other two storey buildings in the vicinity. The additional height of the proposal will not be overly dominant because of the deep level of recession from the front elevation and ground levels of the site. The set back of the first floor element helps to create subservient component which reduces the impact upon the street scene. Furthermore, the architectural style of the proposed first floor is in keeping with the character and appearance of the host building.
- 16.9 Overall, it is considered that the proposed design and material finishes are compatible to their surroundings and will not result in an adverse impact upon the character or appearance of the area.

Highway Safety and Parking Provision

- 16.10 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Relevant paragraphs of the NPPF provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.
- 16.11 It is noted that many of the objections that have been received in relation to the proposed development have identified the perceived inadequacy of the local highway network and the problems experienced by the application site being located on a bend. The concern is that the proposed development would exacerbate current problems and also create highway safety issues. These views are fully acknowledged and appreciated.
- 16.12 The application has been supported by a Transport Statement which confirms the staff work a variety of hours. Monday to Friday there are 14 full time equivalent staff, and weekends 13 full time equivalent. However, only 8 staff are on site at any one time. This has been evidenced with a supporting staffing

rota/spreadsheet. The staff work strict shift patterns, consequently there are not more than 8 staff on the premises at any one time. In addition, this maximum number are only on site Mon-Thursdays 08:00 to 16:00, this number reduces to 4, between 17:00 and 22:00, and is as low as 3, during the night shift. At the staff changeover in shifts some staff may arrive before other staff leave but this is a very short period of time and the staff parking has been arranged at each end of the car park to allow staff to park without restricting access to visitors parking. The submitted Transport Statement also confirms the visitor parking is also underused, which provides spare capacity if necessary for these very short periods.

- 16.13 The Care Home have surveyed the number of visitors to the home. These numbers are based on average attendance which has been applied during December. December is the Christmas period and consequently results in higher visitor numbers than any other month in the year. The survey shows there haven't been any more than 3 visitors at any one time during a 1 week period. The addition of 3 residents' rooms, when calculated by proportion, should only increase the number of visitors by 12%, or 1 extra visitor during the busiest periods.
- 16.14 Given the submitted information confirms that 8 members of staff are on site at any one time, along with 4 visitors during busy periods, the proposed 17 car parking spaces are considered to be in compliance with the adopted Car Parking Standards SPD.
- 16.15 Additional cycle parking facilities have also been added to the development, 6 spaces have been shown in the existing courtyard. Further to this, a number of electric charging points have also been included in the submission.
- 16.16 It is noted a number of concerns were raised by the locality in relation to lack of parking on site and the impact upon the highway network. Notwithstanding these concerns the Highway Authority has advised in its latest consultation response (available to view on file) that the impact of the proposal is acceptable to the Highway Authority. As such, the proposal is considered to be acceptable in this regard.

Landscaping and Trees

- 16.17 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within section 15 of the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.18 In this instance, the application was accompanied by an Arboricultural Impact Assessment (AIA). The AIA confirms all trees can be replaced like for like with amenity restored within 2- 3 years following planting. T1, T2 and H1 are to be removed to facilitate development, the loss of these trees will not have negative impact upon visual tree amenity, the amenity can be restored with suitable replacement planting. The Arboricultural Officer does not raise concerns in relation to the scheme, and recommend planning conditions in order to ensure tree

protection are secured. In this regard, the proposal is considered to be acceptable and recommended conditions are suggested.

Ecology

- 16.19 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 16.20 The proposal has been assessed in line with the NPPF and Natural England Standing Advice. The site is not considered to encompass suitable habitat for protected species, nor is the proposal considered likely to have an impact upon protected species. The proposal is therefore acceptable in regards to biodiversity.

Flooding

- 16.21 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures 0.24 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

Comments on objections received

- 16.22 A significant number of representations also included concerns in relation to the perceived inadequacy of the local highway network around the application site to deal with the impacts of the proposed development. These concerns are fully acknowledged by the Council. However, it is the case that Essex County Council, as highway authority, did not raise an objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

17.0 Conclusion

17.1 To summarise, it is not considered that this scheme is objectionable in terms of land use or impact upon the area and neighbouring amenity. It offers adequate car parking facilities and will provide needed enhancement to an established care home facility. On balance, recommended for approval.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers AV20 10 C, AV10 15 D, AV10 16 C and AV10 18 C.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. ZBA – Matching Materials

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4. Z00 – Use

The proposed first floor hereby approved shall be used as offices, staff room and IT store ancillary to the use of Aveley Lodge and for no other purpose.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

5. Z00 – Obscure glazing

Prior to first occupation of the development hereby approved the first floor side facing windows shall be glazed in obscure glass to a minimum of level four on the Pilkington scale and shall be restricted in opening to no more than 200mm. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity.

6. Z00 – Equality Act Compliant

Notwithstanding the details shown on the approved drawings, the proposal shall be compliant with the Equality Act.

Reason: For the avoidance of doubt and to ensure that the development is compliant with the requirements of legislation

7. Z00 – Construction Management Plan

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety

8. Z00 – Parking

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in revised Drawing Numbered AV10 15 D. together with staff and visitor spaces being appropriately and clearly signed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety

9. Z00 – Parking

The Powered two wheeler/bicycle parking facilities as shown on the revised Drawing Numbered AV10 15 D are to be provided prior to the first occupation of the development. The approved bicycle facilities shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport

10. Z00 – Parking

The electric car parking points as shown on the revised Drawing Numbered AV10 15 D are to be provided prior to the first occupation of the development.

Reason: To promote the use of sustainable means of transport

11. Z00 - Arboricultural Impact Assessment

The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment provided by TPS dated 3rd August 2018 revised 26th April 2019 (Ref: TPSarb8820718)

Reason: To afford the amenity of the trees.

12. ZGT - No External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution.

19.1 Informatives

19.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

INS – Highways

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 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

20.0 Positivity Statement

20.1 WA2 - Application Approved Following Revisions

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.