

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	26/07/2019
Planning Development Manager authorisation:	AN	29/7/19
Admin checks / despatch completed	SB	29/07/19

**Application:** 19/00630/FUL **Town / Parish:** Little Clacton Parish Council  
**Applicant:** Mr James Blake - Nine Points Property Ltd  
**Address:** 274 Harwich Road Little Clacton Clacton On Sea  
**Development:** Construct new C2 care home with associated car parking and landscaping.

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

Little Clacton Parish Council

Whilst we are mindful that same site application 18/01934/FUL (Variations of conditions 2 of CC/TEN/14/97 to accommodate children between the ages of 6-18) was approved, so too was Application 17/01048/FUL (Proposed conversion to 8no. apartments, Change of use from C2 to C3).

This application would be a further back land style development, using only one point of access for all types of vehicles and pedestrians. If permission was granted we would request conditions that it can never be split up into flats/apartments.

Little Clacton Parish Council Recommend Refusal of this Application.

### **2. Consultation Responses**

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. As the proposal is set well back from the highway and the existing access is not changing and adequate parking is being provided therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Prior to first occupation, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1

4. 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 in accordance with Policy DM8.

5. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, covers, gratings, fences, barriers, grass verges,

trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: For the existing access that is to be retained it would be advisable to trim back the existing trees either side of the drive to improve the width of the access to the site.

Informative 3: 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 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

NHS East Essex CCG

Thank you for consulting NEE CCG on the above-mentioned Planning Application. On this occasion we do not wish to seek a healthcare contribution due to the low number of additional bedrooms this care home extension will create.

### 3. Planning History

97/01248/FUL	CC/TEN/14/97 Change of use to Class C2	Approved	11.11.1997
98/01641/FUL	(CC/TEN/152/98) Proposed extension and alteration to community home including landscaping, provision of car park, bicycle store and widening of driveway	Approved	22.04.1999
99/01174/CMTR	Variations of Conditions 2 & 4 (CC/TEN/152/98) to incorporate turning area for emergency vehicles	Approved	21.09.1999

17/01048/FUL	Proposed conversion to 8 no. apartments. Change of use from C2 to C3.	Approved	27.09.2017
18/01934/FUL	Variations of Condition 2 of CC/TEN/14/97 to accommodate children between the ages of 6-18.	Approved	24.01.2019
19/00630/FUL	Construct new C2 care home with associated car parking and landscaping.	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

COM5 Residential Institutional Uses

EN1 Landscape Character

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

PPL3 The Rural Landscape

LP10 Care, Independent and Assisted Living

CP1 Sustainable Transport and Accessibility

#### 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's

initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site relates to The Lodge, 174 Harwich Road, Little Clacton, a two storey childrens care home. The site is situated in an isolated open countryside location, served from a long hedge lined drive to the south of Harwich Road, Little Clacton. The application site is situated between the settlements of Little Clacton and Thorpe Le Soken and is close to the railway line at Thorpe Station. The building is of a linear nature and constructed from bricks for the lower walls, with render and mock-Tudor timberwork above, with a terracotta-coloured tiled roof. It has projecting feature gables and dormer windows. The building is set within extensive gardens, and is approached via the long drive which is lined with over-grown Leylandii hedges.

### Proposal

The application seeks planning permission for the construction of a C2 care home with associated car parking and landscaping. The proposal is a physically separate extension to the existing care home. The proposal will accommodate six additional children and two staff members. The proposal will be located to the south end of the application site.

## Planning History

Planning Permission was granted under planning reference 18/01934/FUL on 24th January 2019 to Vary Condition 2 of previous permission CC/TEN/14/97 to accommodate children between the ages of 6-18. Condition 2 of the permission stated that the building shall be used solely as a community home to accommodate nine children between the ages of 6-8 years old.

## Assessment

### Principle of Development

The principle policy criteria is that of COM5 (Residential Institutional Uses) of the Tendring District Local Plan 2007 and Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). However, Policy LP10 largely reflects the sentiments of Policy COM5 but states that on land outside settlement development boundaries development proposals must either be located on a site safely accessible on foot within 800m of the edge of the settlement development boundary serving one the District's strategic urban settlements, smaller urban settlements or strategic rural service centre OR be located on a site safely accessible on foot within 400m of the edge of the settlement development boundary of one of the District's rural service centres.

In this instance the application site is located approximately 414 metres away from the settlement development boundary of Little Clacton which is above the required 400 metres. However, the site is safely accessible by foot and there are bus services located approximately 10 metres away from the application site traveling to Clacton and Harwich. Therefore, the policy states that new residential institutional uses will be considered on their own merits subject to meeting other relevant Local Plan policies and the following additional criteria;

- a) The site would not be located away from existing Settlement Development Boundaries, in order that support services, facilities and public transport routes can be available

The application site is located approximately 414 metres to the Settlement Development Boundary of Little Clacton.

Little Clacton is identified as a 'Village' within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a 'Rural Service Centre' within Policy SPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) in recognition of its size and range of local services. For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Little Clacton has been extended. This includes part of the site with the remainder of the site directly abutting the extended settlement development boundary.

The development, whilst outside the settlement boundary, is within walking and cycling distance of a wide variety of services in the village and benefits from reasonable links to public transport giving access to wider services and facilities.

- b) The development would not lead to a clustering of similar uses in the locality.

The development would not lead to a clustering of similar uses in the locality as the proposal is for an extension to the existing care home with no other care homes in the immediate area.

- c) The development would not create or give rise to a significant material adverse impact on public safety.

The design and access statement that accompanies this application states that the proposed building will accommodate an additional six children and two staff members. The Lodge is located

a significant distance away from residential properties and as a result it is considered that the additional number of children will not cause any significant adverse impact upon neighbouring amenities or public safety.

d) There would be sufficient external space in the proposal to accommodate the normal recreation and other needs of residents, visitors or employees without impacting on highway safety, or the residential amenities enjoyed by adjoining properties.

Essex County Highways have been consulted on this application and do not raise any objections subject to the application complying with conditions relating to vehicular turning facility, width of the driveway, no unbound materials, parking space dimensions, cycle parking and Developer Travel Pack. The parking spaces dimensions condition will not be imposed as the plans demonstrate that the parking spaces will measure 2.4 metres by 5 metres which is just under the Essex Parking Standards requirement of 2.9 metres by 5.5 metres, or 5 metres by 2.6 metres in exceptional circumstances. However, sufficient parking is achievable to the side of the proposal. In terms of the Developer Travel Pack condition, the children's care home is not a 'major' proposal and therefore it is not considered reasonable to impose this condition. The other conditions listed above will be imposed.

The application site currently provides 13 parking spaces serving the children's care home. The use class requires 1 space per full time equivalent staff plus 1 visitor space per 3 beds. There are currently 15 full time staff and there are 6 proposed staff which therefore equates to 21 parking spaces. The plans provided demonstrate that an additional 4 parking spaces are proposed which equates to 17 parking spaces in total. Although this falls below the requirements, to the rear of The Lodge, there is sufficient parking to be able to accommodate car parking spaces for visitors and employees.

External amenity space will be provided within the grounds of the site which provides a secure and safe environment for the recreational needs of the residents, away from adjoining residential properties. It is therefore considered that sufficient external space is provided within the site to accommodate for the normal recreation needs of the residents, visitors and employees.

e) The extent and nature of any alterations/extensions or new separate buildings which may be required for the purposes of the use should not result in overdevelopment of the site.

The site is large enough to accommodate the new building whilst providing adequate space for the recreational needs of the proposed occupiers and users due to the large garden area to the rear of the site.

#### Other considerations

North East Essex Clinical Commissioning Group do not wish to seek a healthcare contribution due to the low number of additional bedrooms this care home extension will create.

Little Clacton Parish Council objects to this application. The Parish Council state that the application would be further back land style development, using only one point of access for all types of vehicles and pedestrians. If permission was granted we would request conditions that it can never be split up into flats/apartments.

In response to the Parish Councils comments, a condition has been imposed to restrict the use of the proposal.

No letters of representation have been received for this application.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

- 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: Drawing No. 001 Revision A, Drawing No. 002, Drawing No. 003.

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

- 3 The hereby approved building shall be used solely as a community home to accommodate 6 children between the ages of 6 - 18 years old and for no other purpose including any other purpose in Class C2 (Residential Institutions) of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To avoid disturbance in the interest of residential amenity and highway safety.

- 4 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

- 5 Prior to first occupation, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 8 Prior to occupation, four secure, convenient and covered cycle parking spaces shall be provided within the site and shall be retained thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety



## 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.

### Highways

On the completion of the Development, all roads, footways/paths, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

For the existing access that is to be retained it would be advisable to trim back the existing trees either side of the drive to improve the width of the access to the site.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### Environmental

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following below is conditioned;

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. 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.

The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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.

All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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