

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	27/07/2022
Planning Development Manager authorisation:	JJ	28/07/2022
Admin checks / despatch completed	SH	28.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	28.07.2022

Application: 22/00141/OUT

Town / Parish: Brightlingsea Town Council

Applicant: Kananda

Address: Well House Chestnut Way Brightlingsea

Development: Proposed demolition of redundant care home and erection of 2-storey residential care home and associated external works (all matters reserved).

1. Town / Parish Council

Brightlingsea Town
Council
25.3.2022

The above application was discussed at our planning meeting last evening, and the following comments were made:-

The plans are inaccurate, and it would appear that there has been a failure in the system in as much as a planning officer should have checked to make sure the plans were correct. It would appear that the plans submitted are a muddle between an outline application and a full application. Therefore, the committee felt it was inappropriate to comment at the moment and would request that the correct plans are supplied before it comes back to committee.

Brightlingsea Town Council were re-consulted on 3rd March 2022 but no further comments have been received.

2. Consultation Responses

Adult Social Care

No comments received.

ECC Highways Dept
09.03.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2009.

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

1. Prior to commencement of the development a construction traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only
- All highway related details should be agreed with the Highway Authority
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009

Essex County Council
Ecology
10.06.2022

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (James Blake Associates, May 2022), MAGIC maps (<https://magic.defra.gov.uk/>), and aerial photograph relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

It is highlighted within the Preliminary Ecological Appraisal (James Blake Associates, May 2022) that the site falls within the evidenced Zone of Influence for the Essex Coast RAMS. Therefore, we note that the LPA has prepared a project level HRA Appropriate Assessment. However, in this instance the type of development (nursing home) falls outside of the scope for the types of development required to provide a mitigation package.

The mitigation measures identified in Preliminary Ecological Appraisal (James Blake Associates, May 2022), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, nesting birds, Hedgehog and reptiles

We also support the proposed reasonable biodiversity enhancements of standard bird boxes, Sparrow terraces, Swift bricks, bat boxes, and Hedgehog friendly fencing, which have been recommended by the Preliminary Ecological Appraisal (James Blake Associates, May 2022) to secure net gains for biodiversity, as outlined under Paragraph 174d

of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Preliminary Ecological Appraisal (James Blake Associates, May 2022) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is recommended that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (James Blake Associates, May 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local

planning authority following the details contained within Preliminary Ecological Appraisal (James Blake Associates, May 2022).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

And if any external lighting is to be proposed,

3. CONCURRENT WITH RESERVED MATTERS: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from then local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

ECC SuDS Consultee
20.07.2022

Thank you for your email received on 13 July 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems

- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change, subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
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Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

3. Planning History

81/00444/FUL	Single storey extn to provide supplemental day room accommodation	Determination	16.06.1981
87/01967/FUL	Change of use from staff flat to offices and meeting room	Determination	14.03.1988
93/00091/FUL	Extension to provide a new day care office	Determination	23.03.1993

04/00124/FUL	Conversion of first floor offices into 7 single bedrooms with lounge and installation of lift.	Approved	16.03.2004
04/01547/FUL	To build first floor extension over blocks 'Dover' and 'Hastings'. To convert first floor office/staff areas into single bedrooms/ensuites and lounge. To increase size of lounge areas. To install new lift and other internal alterations	Approved	01.10.2004
04/02169/FUL	To extend lounge areas from 184m2 to 196m2 - Front extension to existing lounge (Minor amendment to 04/01574/FUL)	Approved	13.12.2004

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2021
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
LP2 Housing Choice
LP10 Care, Independent Assisted Living
PP6 Employment Sites
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility
PPL10 Renewable Energy Generation

Local Planning Guidance

EPOA Parking Standards 2009

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 (including Site Description and Proposal)

Site Description

The application relates to 'Well House', a nursing home located on the eastern side of Chestnut Way, Brightlingsea. The building has been vacant for some time and has fallen into a state of disrepair. At the time of the officer's site visit it was apparent that some site clearance had commenced, including the removal of trees and other vegetation. The site is located within a residential area within the Brightlingsea Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond. The site has no specific allocation within the adopted Local Plan. 2 storey residential dwellings front Chestnut Way to the north and south. Hazel Mews runs along the southern boundary comprising of 5 bungalows facing toward the site. To the northeast corner and rear of the site are existing residential properties fronting Well Street and Upper Park Road. The site has existing vehicular and pedestrian access from Chestnut Way. There is evidence of an access into the site from Well Street to the rear but this is not shown on either the existing or proposed site layout plans accompanying the application. The building essentially comprises 6 linked blocks / sections mostly single storey in height with a 2 storey element to the northern corner. There is an apparent change in site levels with an approximate 4m fall in a southerly direction. The site is located in flood zone 1 (low probability of flooding).

Description of Proposal

The application seeks outline planning permission with all matters reserved for the demolition of the existing redundant care home and the erection of a 2-storey residential care home, with ancillary storage and staff facilities within the roof space.

The intention is for the accommodation to be a nursing home for the elderly as confirmed by the agent via email received on 6th May 2022. An amended application form has been provided confirming the existing and proposed internal floor space as follows:

Existing gross internal floorspace	= 2158 sqm (to be demolished)
Total gross internal floorspace as proposed	= 3030 sqm
Net additional gross internal floorspace	= 872 sqm

The application is accompanied by the following plans:

Scale 1:1250	Location Plan
WHR4	Existing Site Layout
WH0	Amended Ground Floor Plan
WH1	Amended Basement Plan
WH1	Amended First Floor Plan
WHL	Amended Loft Plan
WHR	Amended Roof Plan
WHR5	Amended Proposed Site Layout Plan
WHR2	East and West Elevations
WHR3	North and South Elevations
WHR-4	Existing Site Layout Plan

However, as the application is in outline form with all matters reserved, the submitted plans are being considered as indicative only. Full details of the layout, scale, appearance, access and landscaping will be required as part of the reserved matters application and full consideration of the details will be undertaken at that stage.

Therefore, this application is being assessed as described, 'Proposed demolition of redundant care home and erection of 2-storey residential care home and associated external works (all matters reserved)'. The key considerations being; the acceptability of a care home on the site; the creation of additional floor space amounting to 3030 sqm; and the construction of a 2-storey building.

Assessment

The main considerations in this instance are:

1. Principle of Development;
2. Scale, Layout and Appearance;
3. Access, Parking and Highway Safety;
4. Trees and Landscaping;
5. Residential Amenities;
6. Environmental Protection;
7. Ecology;
8. Drainage and SuDS;
9. Financial Contribution - Recreational Disturbance; and
10. Representations.

1. Principle of Development

As endorsed by Policy LP10 of the adopted Local Plan, in order to meet the care needs of our future generations and generate growth in the care, independent and assisted living sector in line with the Economic Development Strategy, the Council will support the construction of high quality care homes and extra-care housing in sustainable locations. The Council will support the provision of care homes and extra care housing within settlement development boundaries.

As stated above, the site is located within the Brightlingsea Settlement Development Boundary as defined within the adopted Local Plan. The location of the site is sustainable and in accordance with the aims of the policy. The lawful use of the site is that of a C2 care home. The replacement of the existing vacant, run-down building with a new care home of modern construction and building techniques will contribute to the delivery of a quality home in-line with policy.

The principle of development is therefore acceptable.

2. Scale, Layout and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 127 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.

An array of plans and elevations accompany the application. However, these are being treated as indicative only given that scale, layout, appearance, access and landscaping are all reserved for subsequent consideration. In general, the design and appearance of the existing building is of little architectural merit and the redevelopment of the vacant and neglected site is therefore welcomed, together with the reinstatement of the care facilities and employment opportunities.

The application description refers to the erection of a 2-storey building. The indicative plans show an 'L' shaped building positioned to the front of the site extending reward along the southern boundary adjacent to Hazel Mews. Given the predominant character of the immediate locality being that of 2-storey dwellings, there can be no objection in principle to a 2-storey building on the site. The 2-storey building would sit alongside the 2-storey properties fronting Chestnut Way to both the north and south. However, given the apparent change in site levels and the relationship with the adjacent bungalows along Hazel Mews careful assessment of the development at reserved matters will be needed to ensure the scale of the building does not appear bulky or out of keeping within the street scene. The indicative plans show a distance of approximately 22 metres retained to the facing elevations of the bungalows along Hazel Mews, which makes for a spacious development. With appropriate new tree planting and landscaping along the southern boundary, the indicative development may be acceptable in terms of the street scene and visual impact. On this basis, officers

are satisfied that a 2-storey building to accommodate 3030sqm of floor space can be achieved on site subject to careful consideration of the detailed design and layout at reserved matters stage.

3. Access, Parking and Highway Safety

Paragraph 108 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. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.

The EPOA Parking Standards 2009 set out the minimum parking provision requirements for development. In this instance for a C2 Care Home use, 1 space is required per full time staff member plus 1 visitor space per 3 bedrooms. The Standards also require 1 secure cycle parking space per 5 staff. No detailed staffing numbers have been provided as part of this outline application and the precise number of parking spaces required cannot be calculated. However, the future reserved matters application will need to demonstrate full compliance with adopted Local Plan Policy PPL10 and the EPOA Parking Standards. Conditions will be imposed as necessary to secure such details.

As access is reserved for subsequent consideration, precise details are not required at this outline stage. The site would be served by the long established access and raises no concerns in terms of highway safety and accessibility matters.

Essex County Council Highway Authority raise no objection subject to 1 condition securing a construction traffic management plan. Appropriately worded conditions will be included to ensure the detailed scheme incorporates the Highway Authority requirements.

4. Residential Amenities

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, the Essex Design Guide offers guidance on achieving acceptable rear aspect. Where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, the general rule is that a minimum spacing of 25m between the rears of the properties is required.

In addition, the Essex Design Guide also offers guidance on maintaining acceptable sunlight and daylight to neighbouring dwellings. The daylight and sunlight tests are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). This document suggests that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. This would result in spacing of at least 10m between opposing houses.

As stated above, the 2-storey building would sit alongside the 2-storey properties fronting Chestnut Way to both the north and south. However, given the apparent change in site levels and the relationship of the development with the adjacent bungalows along Hazel Mews will require careful consideration at reserved matters stage to ensure the building does not appear dominant or overbearing from the front windows of the facing dwellings, or result in any overshadowing or loss of privacy to all surrounding neighbouring properties. The indicative plans show a distance of; approximately 22 metres to the facing elevations of the bungalows along Hazel Mews; approximately 13.5 metres to the side elevation of 'The Willows' to the south; over 22 metres to the side elevation of 2 Chestnut Way to the north; and over 35 metres to the side elevation of 59 Well Street to the rear. The indicative plans demonstrate that a well-spaced development is achievable. However,

again, careful consideration and tests will need to be undertaken at the reserved matters stages to ensure no material harm to residential amenities will result from the development.

5. Trees and Landscaping

Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

There are no trees or other significant vegetation on the application site due to site clearance. Details of soft landscaping to soften, screen and enhance the appearance of the development will be secured as a reserved matter. This will be required to include new tree planting to compensate for the loss of the trees already removed from the site.

6. Environmental Protection

Consultation with the Council's Environmental Protection Team has highlighted the need for conditions relating to lighting; demolition and construction; noise control and emission control. Appropriately worded conditions will be included to ensure the detailed scheme incorporates the environmental protection requirements.

7. Ecology

Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Consultation with Essex County Council Place Services Ecology has been undertaken. They confirm that there is sufficient ecological information available for determination of this application and raise no objection subject to securing biodiversity mitigation and enhancement measures. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The conditions recommended by Place Services Ecology will be imposed to ensure that; the mitigation measures identified in Preliminary Ecological Appraisal (James Blake Associates, May 2022) are implemented in full; the submission of a Biodiversity Enhancement Strategy is submitted for approval; and details of a sensitive lighting scheme is submitted for approval. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

8. Fouls Sewage Disposal and Drainage

Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Furthermore, Policy SPL3 Part B states that new development (including changes of use) must meet practical requirements, including methods for reducing flood risk and integrated sustainable drainage within the development,.

Having reviewed the Flood Risk Assessment and the associated documents, which accompany the application, the Lead Local Flood Authority do not object to the granting of planning permission subject to conditions.

9. Financial Contribution - Recreational Disturbance

It is highlighted within the Preliminary Ecological Appraisal (James Blake Associates, May 2022) that the site falls within the evidenced Zone of Influence for the Essex Coast RAMS. The LPA has prepared a project level HRA Appropriate Assessment. However, in this instance the type of development (nursing home) falls outside of the scope for the types of development required to provide a mitigation package.

10. Representations

Brightlingsea Town Council raised concerns with the accuracy of the application querying whether the application is outline or full.

The Town Council were re-consulted on 3rd March 2022 but no further comments have been received. On the basis that the application is for outline consent will all matters reserved, Brightlingsea Town Council will have the opportunity to comment as part of the detailed application.

9 letters of representation have been received from local residents and interested parties. A number of non-material planning considerations have been raised which cannot be taken into account as part of the assessment of a planning application. These include; loss of view, impact on the value of existing property, concerns over the credentials of the applicant and poor workmanship.

The concerns raised that do constitute material planning considerations can be summarised and addressed as follows (officer response in italics):

- Inconsistent, misleading and incorrect plans.
Should this application result in an approval it will merely confirm that the principle of a replacement care home is acceptable on the site and the detailed drawings submitted as part of this outline approval will not be listed as 'approved' documents – again due to the outline (with all matters reserved) nature of the application. As such, the accuracy of the plans is not vital to the determination of this outline application. Should this outline application result in an approval then accurate, scaled and detailed plans will be given full consideration as part of the reserved matters application.
- Lack of parking and space for delivery vans, ambulances, staff and visitors.
This has been addressed in the main report above.
- Concerns with foul sewage disposal, drainage and surface water flooding.
This has been addressed in the main report above.
- Loss of light from 2 storey building.
- Too high, dominant and will be harmful to adjacent bungalows.
- Height does not consider change in site levels or mixed character of the area.
- Overlooking and loss of privacy.
- Light pollution.
Residential amenities has been addressed in the main report above.

The following comments of support are also included amongst the representations:

- Support the redevelopment of the site for an elderly care home.
- Site is an eyesore and needs to be replaced.

- This is an opportunity to have a well-designed Care Home in Brightlingsea to serve the area.
- The design will blend into the area of mixed Houses and Bungalows.
- Adequate parking.

11. Conclusion

This outline application satisfactorily demonstrates that, through the submission of a reserved matters application for layout, scale, appearance, access and landscaping, the re-development of the site for a new 2-storey C2 Residential Care Home is acceptable. The application is recommended for approval subject to conditions.

6. Recommendation

Outline - Approval

7. Conditions

- 1 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Access, Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 Concurrently with the reserved matters, a scheme for the provision of electric vehicle charging facilities shall be submitted to and approved in writing by the Local Planning Authority. The charging facilities shall be installed in accordance with the approved details and retained in working order.

Reason - In order to promote sustainable transport.

- 5 All applications for approval of reserved matters shall be submitted in accordance with, and within the site boundary areas as indicated on the 'Location Plan Scale 1:1250 @ A4' relating to the site the subject of this outline approval.

Reason - In the interests of securing a satisfactory development.

- 6 Prior to the commencement of any demolition or construction development, a Demolition and Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;

- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 7 Prior to the commencement of any above ground works, a plan indicating the positions, design, materials and type of all boundary treatments to be erected shall be submitted. The approved boundary treatment shall be implemented before the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the character of the area.

- 8 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 9 The development hereby approved shall be used solely for a Residential Care Home for the elderly and infirm and no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or those permitted by the Town and County Planning (General Permitted Development (England) Order) 2015 (as amended).

Reason - To ensure that the Local Planning Authority retain control over potential alternative uses in the interests of the character of the area, residential amenities and the provisions of the Recreational Disturbance Avoidance Mitigation Strategy.

- 10 The development shall be carried out in strict accordance with all mitigation and enhancement measures and/or works contained within the Preliminary Ecological Appraisal (James Blake Associates, May 2022) accompanying this application. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Concurrently with the submission of the Reserved Matters application, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority following the details contained within Preliminary Ecological Appraisal (James Blake Associates, May 2022).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;

e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Concurrently with the submission of the Reserved Matters application, a lighting design scheme sensitive to biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change, subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 14 Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 15 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 16 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 17 Vehicle and cycle parking shall be provided in accordance with the EPOA Parking Standards and provided prior to occupation and retained at all times.

Reason - To ensure parking does not occur in the adjoining streets and in order to promote sustainable means of transport, in the interests of highway safety and amenity.

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.

Local Lead Flood Authority Informatives

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

Highways Informatives

1. In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
2. All highway related details should be agreed with the Highway Authority.
3. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

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