

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ML	12/02/2024
Team Leader authorisation / sign off:	AN	15/02/24
Assistant Planner final checks and despatch:	Er	16/02/2024

Application: 23/01422/FUL **Town / Parish:** Little Oakley Parish Council

Applicant: Mr James Moor - Lime Trees Care Group

Address: 52 Rectory Road Little Oakley Harwich

Development: Change of use of existing dwelling to C2 (care home) and proposed 3 bedroom assisted living bungalow.

1. Town / Parish Council

Little Oakley Parish Council
Little Oakley Parish Council OBJECT to this planning application on the following grounds:

1. Non-compliance with the Tendring District Local Plan (2013-2033 and Beyond) policy LP8, Backland Residential Development, in that it does not comply with all the criteria set out in that policy, in particular Sections a, b, c & f. It will lie behind the line of existing frontage development (ie Rectory Road), has no frontage to the existing public highway and is piecemeal development. In addition, the Parish Council considers it would be a 'tandem' development under the definition of the policy.
2. Over-development for the size of the plot, making it feel cramped and out of character for the location.
3. Lack of on-site parking for staff, visitors, deliveries etc and the fact that the inevitable off site parking in the vicinity would be restricted to a narrow country road, probably half up on the pavement, as is often becoming the norm these days.
4. The impact on neighbouring properties in respect to loss of light and privacy, especially to no.54.
5. The design of the roof in that it not in keeping with neighbouring properties and in not being a hipped roof, it will increase the loss of light to no.54 even further.
6. The proximity of the development to the boundary of no.54. The plans indicate that this would be less than one metre with the kitchen window facing directly into a living space of no.54, thereby increasing loss of privacy even more. Cooking smells emanating from the kitchen window might also be considered a nuisance.
7. General increase of traffic along the shared private driveway, both during construction of the development and when occupied causing disruption and privacy loss, especially to no.50 Rectory Road.

2. Consultation Responses

UU Open Spaces
15.11.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 1 hectares of equipped play in Little Oakley

Formal Play - current deficit:

- Deficit of 1.62 hectares of open space in Little Oakley

Settlement provision:

- War Memorial Playground and open space 0.5 miles from the development
- Oakley Coronation Park 0.5 miles from the development

Officer Conclusions and Recommendations

- **No contribution is being requested on this occasion.**

ECC Highways Dept
04.12.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. The proposal site is located off Rectory Road which is classed as a local road and is predominately residential with a mix of house types. No new or altered means of access is proposed as part of this application and access will be shared with the host dwelling. Adequate parking is being provided for the proposed and host dwellings, considering these factors:

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 dwelling a minimum size 5 vehicular turning facility, (8m x 8m) 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 the occupation of the proposed dwelling, the proposed private drive shall be constructed to a width of 5.0 metres for at least the first 6 metres from the back of the Highway Boundary.

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. The public's rights and ease of passage over public footpath no. 8 (Little Oakley_174) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

4. As indicated on drawing no. 2322-1103- each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) a minimum of 6 metres should be provided behind each parking space to allow for manoeuvring.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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: 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

2: On the completion of the Development, all roads, footways/paths, cycle ways, 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.

3: The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

4: 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.

Adult Social Care

No comments received.

Environmental Protection
16.10.2023

With reference to the above application, please see below for comments from the EP Team:

Noise: Given the proposal seeks to create a unit specifically for laundry, and the proposed bungalow will require forms of mechanical ventilation and having consideration for the location of the proposed

units; the EP Team are requesting the submission of a formal Noise Impact Assessment carried out by a relevantly qualified, competent person. This will need to focus on activities and machinery etc, associated with this proposal that may have an impact on any (planned) neighbouring/noise sensitive properties from the proposed use. Details of any mitigation and the expected noise reduction achievable should also be submitted as part of this assessment and recommendations implemented, as necessary.

REASON: to protect the amenity of nearby existing residential dwellings and future occupants within the premises

3. Planning History

23/01422/FUL Change of use of existing dwelling to C2 Current
(care home) and proposed 3 bedroom
assisted living bungalow.

4. 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

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
SP6 Infrastructure and Connectivity
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
LP1 Housing Supply
LP2 Housing Choice
LP10 Care, Independent Assisted Living
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Appraisal

Site Description

The application site is situated at the northern end of the settlement of Little Oakley within the defined settlement boundary of the village. The site accommodates an existing 4 bedroom bungalow, a detached double garage, flat roofed outbuilding and associated parking/garden areas. The existing property fronts Rectory Road but is set back from the highway behind a parking and grassed area to its front. Along the southern side of the property runs a private drive that serves two further properties to the rear. To the north of the property, behind the 1.8m close boarded fencing present on the application site boundary, is a grassed area and pedestrian footpath that forms part of the entrance to a housing development. Directly to the south of the application site are two-storey properties that front Rectory Road, these properties are set further forward and closer to the highway than the application site.

The private drive is marked by closed boarded fencing on its southern boundary. The shared boundary with no. 54 Rectory Road to the east is also marked by 1.8m high closed boarded fencing. To the front of the site adjacent to the driveway is an existing Maple Tree.

Proposal

This application seeks planning permission for the erection of one detached 3-bedroom extra-care unit to accompany the existing 4-bedroom unit. The application also proposes the change of use of the existing property to an extra care use to encapsulate the whole site. The supporting documentation confirms that the site will provide additional specialised support/assisted living for occupiers with acquired brain injury and traumatic brain injury.

The new bungalow would be sited to the east of the existing property, set back from the private drive and within the existing fenced off garden area. To the front of the new property there will be a vehicular turning area to accord with ECC-Highways' requirements and two additional parking spaces (providing a total of 5 across the whole site) with a total private garden at approximately 300m² in size. The existing double garage is to be demolished to make way for the new bungalow, whereas the existing flat roof outbuilding will be re-purposed as a laundry room.

Principle of Development

Local Plan Policy LP10 (Care, Independent Assisted Living) states that 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 extra-care housing in sustainable locations. Moreover, the policy outlines that the Council will support the provision of care homes and extra care housing within settlement development boundaries and within the mix of accommodation for the residential and mixed-use developments across the district.

The supporting information provided states that the existing bungalow has been utilised for supported and independent living. The additional bungalow will be operated on the same basis.

Therefore, having regard to the previous use of the site and the sustainable location of the site within the Little Oakley Settlement Development Boundary, the development is considered acceptable in principle.

Design/Scale

The Tendring District Plan Section 1 SP3 states that development must be appropriate to the scale of its existing context. Section 2 SPL3.a.b states that development must respond to its immediate context with regards to scale and massing. Furthermore, this policy states that development must respond to its context with regards to building materials and form. LP4.h states that development should be delivered to a high architectural standard and respect local character.

The proposal's single storey height is contextually appropriate to the local built environment, which comprises of a mix of two-storey and single storey properties. In this respect the bungalow would replace a large double garage of similar scale and form, which ensures that views from the north via Oakridge, would not change significantly. Glimpses of the property from Rectory Road may be afforded through the gap between properties either side of the driveway, but such glimpses would not adversely impact upon the character of the area. In addition, the bungalow would retain sufficient spacing to the existing property and the shared boundary to the east as to not appear overly cramped within its setting.

The bungalow has been designed to incorporate a hipped roof, brick plinth and oak joinery to the entrance porch. These features add interest and means that the bungalow would respond appropriately to the form and appearance of the existing bungalow and properties in the vicinity.

The materials of roof tiles, smooth render, red brick to the plinth and oak joinery are appropriate to the local context.

Overall, the massing, scale and detailed design of the proposal responds well to the local context.

Layout

The proposed bungalow would be set back behind the existing property to enable the provision of frontage parking and a vehicular turning space. This also allows for the siting of a small area of planting to help soften views of the property's frontage.

Both of the properties will be served by a laundry room to be accommodated within the existing outbuilding. The remainder of the area behind the two properties (approximately 300m² in size) will be for resident's amenity. The size of this area is considered sufficient to meet the needs of future residents.

The property has been designed to follow the guidance of M4(3) Category 3 Wheelchair user Dwellings. Moreover, the size and internal dimensions of the proposed unit is commensurate with the requirements of the Technical Housing Standards.

Details of an area set aside for refuse/recycling storage will be requested by way of a condition. As will details of a secure cycle storage area.

Residential Amenities

The final bullet of Policy SP7 requires that all new development protects the amenity of existing and future residents and users regarding noise, vibration, smell, loss of light, overbearing and overlooking.

Policy SPL3, Part B criterion e), requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Part B, criterion f), necessitates provision is made for adequate private amenity space. Part C, criterion a), requires that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Amongst other things, NPPF at Paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 135 f) includes that planning decisions should ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.

The proposed bungalow would be situated in close proximity to the shared boundary with no. 54 Rectory Road to the east. Present within the facing flank wall of no. 54 is a ground floor window which appears to serve as a secondary lounge window. Presently this window looks out onto a 1.8m high close boarded fence, which does diminish the level of light and outlook this window currently receives. It is, however, acknowledged that due to the proximity of the proposed bungalow to this window that it would reduce the light and outlook further. Due to this, amended plans have been received to show a hipped roof rather than a full gable in this location. This helps to reduce the massing of the proposed bungalow and lessen any impact upon this window.

Moreover, the Sunlight/ Daylight calculations from the Essex Design Guide have been applied to the plans. The 45-degree line in plan form would encompass the neighbour's side opening whereas in elevation form it would not. The proposal therefore passes the combined test and therefore the loss of light would not be so significant as to refuse planning permission upon.

Therefore, due to the secondary nature of the window, its siting and current level of outlook, and the gable to hipped roof revision; the impact upon the resident's amenity would not be significantly harmful.

In terms of the siting, the bungalow would sit slightly in front of no. 54 but due to its single storey nature and hipped roof it would not cause any adverse impacts to the openings present within the front of that property. Further concerns have been raised in respect of the loss of privacy from the proposed kitchen window serving the new bungalow. Whilst it is recognised that the proposed bungalow is single storey in scale, with the floor level rise views over the neighbour's fence may be achievable. As such a condition will be applied to ensure that the kitchen and bedroom window in the east facing elevation consist of obscure glazing and are non-opening. Both these rooms are served by other openings for escape/ventilation purposes, and this would alleviate any concerns in respect of loss of privacy.

Concerns have been raised regarding noise associated with the use of the existing outbuilding as a laundry room. The Council's Environmental Protection Team have requested that noise assessment is carried out to ascertain the level of impact here. In this respect it is acknowledged that a care home use with 7 occupants could result in the laundry space being used on a frequent basis. As such to provide mitigation and to reduce the potential for significant noise impacts upon nearby residents, a condition has been applied to secure an attenuation strategy to outline measures (including insulation) to reduce any perceived noise impacts.

In having regard to the residential nature of the surrounding area, it is not considered that the use of the existing bungalow and the proposed bungalow as a modest 7-bedroom care home in the manner described would cause undue noise and disturbance to local residents. Moreover, the traffic movements associated with the proposed use would not significantly intensify the use of the

access and would, therefore, not give rise to excessive noise from traffic associated with the development.

In addition, amenity for future residents would be acceptable having regard to privacy and avoidance of overshadowing, while the proposed communal space sizes would be commensurate with the number of residents proposed.

In summary, the development would not adversely harm the amenity of local residents in respect of loss of outlook, light or privacy and would not give rise to adverse impacts from noise and associated disturbance.

Highways/Parking

The ninth bullet of Policy SP7 requires all new development includes parking facilities that are well integrated as part of the overall design. Policy CP1 states that proposals for new development must be sustainable in terms of transport and accessibility, and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Part B of Policy SPL3, criterion a), requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe traffic impact. Amongst other things, criterion f) requires adequate vehicle and cycle parking.

Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

The application site is served by an existing driveway which will also provide access to the new bungalow. The proposed plans show that to enable the passing of vehicles at the entrance of the driveway from Rectory Road, the access will be widened to 5m for the first 6m into the site.

ECC-Highways have reviewed the submitted information and note that no new access is proposed, and the parking provision is acceptable. They have no objections subject to the following requirements;

- Provision of the turning head prior to first occupation and the widening of the first section of the access drive;
- Parking being provided prior to first occupation; and
- Areas within the site being identified for the loading/unloading and storage of materials, parking of construction vehicles etc.

Where not already secured via the approved plans these requirements will be applied as conditions. A construction method statement will also be requested to highlight measures to minimise impacts upon local residents during the construction phase.

In terms of parking provision, the proposal provides 5 spaces for a care home use that in total will provide 7 bedrooms. At this stage it is unknown the quantum of staff that would be required on site at any one time. The agent has confirmed that the ratio of staff to occupants is dependent on the nature/condition of the occupants. However, the provision of 5 spaces, along with a secure cycle parking area, is considered to be sufficient to meet the expected parking demands given the number of bedrooms proposed and sustainable location of the site.

Trees/Landscaping

The application site contains a few trees, most notably a Maple situated adjacent to the existing access and a Cherry Tree positioned within the northern corner of the site. The proposed bungalow would be located a sufficient distance away from the Cherry Tree as to not cause any adverse impacts to its health. In respect of the Maple Tree, ECC Highways have requested that the access is widened where it meets Rectory Road. This would bring the access closer to this tree; however, the Council's Tree Officer has confirmed that providing the construction of the access is

carried out using 'no dig' techniques the impacts upon the tree would not be harmful. A condition will be applied securing the use of such techniques in the widening of the access works.

In terms of the overall appearance of the site the applicant has provided indicative details of soft landscaping that are acceptable in principle. However, further details of the soft landscaping to the front of the proposed bungalow, will be secured by a planning condition.

Ecology

The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Given the current condition of the application site (i.e. side garden to existing property accommodating a double garage, areas of hardstanding and mowed lawn) there are no protected habitats or likely protected species presence on site that could be harmed through the site's development.

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." This includes local authorities, which encompass local planning authorities (LPAs). Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and, after consideration, determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. While the Section doesn't explicitly state that planning decisions must contribute to biodiversity conservation, it's essential to consider the broader context of planning functions within the authority. Typically, LPAs play a crucial role in land use/development decisions, and these can have significant implications for biodiversity. In conclusion for decision making, it is considered that the LPA must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. On that basis a biodiversity enhancement strategy will be secured via condition. Such a strategy may look to include native planting strategies and insect friendly planting, wildlife-friendly infrastructure i.e. nesting boxes, bee bricks and habitat structures.

Therefore, the development with the inclusion of this condition, on balance, and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

As the development relates to a care use there would not be an increase in recreational pressure upon nearby designated sites. As such the development would not harm the integrity of local designated sites and, therefore, a RAMS contribution is not sought in this instance.

Sustainability

Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be design to facilitate the retro-fitting of renewable energy installations'.

The use of communal electric charging points, green/brown roofs, PV panels and SUDS to aid the sustainability of the development should also be considered. This can all be detailed within the 'Renewable Energy Generation Plan' as required by policy PPL10 and secured via condition.

Drainage

Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment.

In terms of foul drainage, the submitted application form and provided sewer map confirms that the site has a connection to the adopted foul sewer, and as such it is proposed to utilise this connection. Representations have been received regarding the capability of the existing sewer to accommodate the flows from a further property; however, this is the responsibility of Anglian Water who are statutorily obliged to accept the flows from new development.

Other Considerations

Little Oakley Parish Council has objected to the development on the following grounds:

1. Non-compliance with the Tendring District Local Plan (2013-2033 and Beyond) policy LP8, Backland Residential Development, in that it does not comply with all the criteria set out in that policy, in particular Sections a, b, c & f. It will lie behind the line of existing frontage development (ie Rectory Road), has no frontage to the existing public highway and is piecemeal development. In addition, the Parish Council considers it would be a 'tandem' development under the definition of the policy.

(Officer Response – the proposed bungalow is not considered to represent backland development, as it would front an existing driveway that serves other existing properties. Notwithstanding this point, no harm is identified in respect of the siting of the property or access arrangements).

2. Over-development for the size of the plot, making it feel cramped and out of character for the location.

(Officer Response – the proposal retains sufficient spacing to the existing bungalow and the property to the east. Moreover, the site as a whole would be provided with a good level of amenity space for future residents and, given the set back of the proposed property, it would not be readily visible in wider views from Rectory Road).

3. Lack of on-site parking for staff, visitors, deliveries etc and the fact that the inevitable off site parking in the vicinity would be restricted to a narrow country road, probably half up on the pavement, as is often becoming the norm these days.

(Officer Response – The site would be served by 5 spaces and a turning head of dimensions commensurate with ECC-Highways' requirements. The parking provision is considered to be acceptable given the nature and level of proposed occupation and the intended staff to resident ratios. Furthermore, a condition will be applied securing a cycle storage area to encourage staff residing nearby to utilise more sustainable transport options, thereby reducing the need for parking provision).

4. The impact on neighbouring properties in respect to loss of light and privacy, especially to no.54.

(Officer Response – The proposed property would be single storey and set a sufficient distance from the side elevation of no. 54 as to not cause any adverse impacts in terms of loss of light or outlook. Again, due to the single storey nature of the property any impact in terms of loss of privacy would be minimal. It is also important to note that the property has now been hipped to reduce the bulk/mass of the bungalow, thereby further lessening the impact upon the adjacent residents).

5. The design of the roof in that it not in keeping with neighbouring properties and in not being a hipped roof, it will increase the loss of light to no.54 even further.

(Officer Response – as mentioned above, the property now comprises of a hipped roof).

6. The proximity of the development to the boundary of no.54. The plans indicate that this would be less than one metre with the kitchen window facing directly into a living space of no.54, thereby increasing loss of privacy even more. Cooking smells emanating from the kitchen window might also be considered a nuisance.

(Officer Response – the distance to the neighbouring property is considered sufficient to avoid any adverse impacts in respect of light, outlook and privacy. The shared boundary in this location is marked by a 1.8m close boarded fence, which, in combination with the window being obscured and fixed shut, would remove views out of the kitchen window towards the neighbouring property. Cooking odours emanating from a modest sized 3 bed bungalow would not cause an adverse impact upon neighbouring residents).

7. General increase of traffic along the shared private driveway, both during construction of the development and when occupied causing disruption and privacy loss, especially to no.50 Rectory Road.

(Officer Response – The increase of traffic movements associated with the proposed development would be minimal. Any noise or disturbance to nearby residents, given the modest intensification of the access/driveway, would not be so adverse as to warrant a refusal of planning permission. A construction method statement is secured via condition to alleviate any concerns regarding disturbance to residents during the construction process).

8 letters of representation (from 3 properties) have been received from local residents. They raise the following concerns;

- Existing bungalow not previously utilised as a business (the existing bungalow was utilised as a C3 (b) use i.e. a single household of not more than 6 residents where care is provided. The current application acknowledges that the additional unit will mean an expanded care provision, for which a change of use of the existing unit will be required).
- Loss of light, privacy and noise disturbances to local residents (this is covered in the report above).
- Visitors blocking access (in this respect the proposed level of parking is considered to be acceptable for the scale and type of use proposed, and ECC-Highways do not provide any objections on this basis).
- Drainage concerns (drainage is predominantly a matter covered by Building Regulations. However, it is noted that foul drainage is proposed to be disposed of via the mains system).
- Loss of privacy from kitchen window (this is covered in the report above).
- Lack of drainage causing subsidence (any damage to an existing property through construction would be a third-party matter).
- Garden area is too small (the communal garden area is shown to measure 300m², which is considered to be acceptable for the number of residents proposed).
- Adverse impact in a rural residential location (The site is located within the settlement development boundary for Little Oakley, where the Council aim to focus new development. The construction of a modest bungalow in this location, between two existing properties, would not appear out of character or visually intrusive in this built-up location).
- Single track driveway is unacceptable to cater for traffic (ECC-Highways do not object to the proposal, the level of parking is considered to be sufficient, the widening of the access at its junction with Rectory Road will assist in improving traffic movements along the drive and the intended low-key extra-care use would not significantly intensify the use of the driveway).
- Impact upon existing Maple Tree (The Council's Tree Officer has confirmed that the extension of the driveway, with the use of a 'no dig' construction, would not cause harm to the adjacent tree).

Conclusion

The development, as demonstrated within the accompanying plans and supporting documents, will not have a significant adverse effect on the amenity of existing/future residential occupiers, highway safety or the character and appearance of the locality. As such the provisions of Local Plan Policy SPL3 are met. Moreover, Policy LP10 outlines that the Council will support the provision of care homes and extra care housing within settlement development boundaries. The small economic benefits in terms of job creation also weigh in favour of the proposal.

In the absence of any other potential impacts as a result of the development the application is recommended for approval.

8. Recommendation

Approval

9. Conditions

1). COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2). APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

2322-1101 – Red Line Site Plan
2322-1201-P1
2322-1103-P2

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials

used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3). ACTION REQUIRED: HIGHWAYS TURNING SPACE

CONDITION: Prior to the proposed building being first occupied, the vehicle turning space shown on the hereby approved plans shall be provided in its entirety and shall then be retained in its approved form and used for no other purpose.

REASON: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

4). ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: The hereby approved access changes, incorporating its widening to a width of 5 metres for at least its first 6 metres back from Rectory Road, shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of the development hereby approved. The access shall then be retained in its approved form.

REASON: In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

5). HIGHWAYS PROVISION OF PARKING AND TURNING

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of parking vehicles has been provided and made functionally available. The parking spaces shall then be retained and remain free of obstruction thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and layout is provided. To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

6). FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.

- f) Details of the scheduled timing/phasing of development for the overall construction period.
 - g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
 - h) Details of the siting of any on site compounds and portals.
 - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
 - j) Site waste management plan (that shall include reuse and recycling of materials)
 - k) Scheme for sustainable construction management to ensure effective water and energy use.
 - l) Scheme of review of complaints from neighbours.
 - m) Registration and details of a Considerate Constructors Scheme
 - n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

7). FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) 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).

8). APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

9). COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

10). COMPLIANCE REQUIRED: MINIMISATION OF GROUND COMPACTION

CONDITION: Any hard surfacing beneath the canopy and/or with the root area of the retained Maple tree shall be designed to minimise ground compaction in accordance with the recommendations set out in the Arboricultural Associations Guidance Note 12 – The Use of Cellular Confinement Systems Near Trees or any alternative as may be first agreed in writing by the Local Planning Authority. (Such areas may require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level).

REASON: To minimise disturbance to and help to ensure the satisfactory retention of the tree.

11). AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- A communal electric car charging point;
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for the proposed bungalow;
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for the proposed bungalow;
- Agreement of heating of the proposed bungalow;
- Agreement of scheme for waste reduction; and
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and

the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high-speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

12). FURTHER APPROVAL - SOUND MITIGATION MEASURES TO BE AGREED

CONDITION: Prior to the first operational use of the hereby approved development, a scheme of sound insulation for the proposed laundry room, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the laundry room, when operational, will not adversely impact upon local residents in terms of noise and disturbance. The approved scheme shall be carried out, in its entirety, before the bedrooms are first occupied and shall be retained thereafter.

REASON: In the interest of the amenity of neighbouring residents.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to first use. This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise.

13). SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as a care home use and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

14). ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to the occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, details of the storage for refuse/recycling bins and any collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided prior to first occupation and thereafter retained as approved.

REASON: In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well-designed development that is not detrimental to visual amenity.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

15). ACTION AND DISCHARGE REQUIRED: CYCLE STORAGE

CONDITION: Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, details of a secure cycle/powered two-wheeler parking area shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided prior to first occupation/use and thereafter retained as approved.

REASON: To promote sustainable modes of transport.

16). SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the side facing kitchen and bedroom windows in the east facing elevation of the proposed bungalow shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

10. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative:

1: 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

2: On the completion of the Development, all roads, footways/paths, cycle ways, 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.

3: 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.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is collaborating with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Positive impact – proposal provides for specialist accommodation for people with a recognised disability.
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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